

**CITY OF SHERMAN
CITY COUNCIL REGULAR MEETING AGENDA
COUNCIL CHAMBERS OF THE CITY HALL
220 WEST MULBERRY STREET
SHERMAN, TEXAS
MONDAY, APRIL 17, 2017
5:00 P.M.**

- A. 1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN**
- A. 2. PLEDGE OF ALLEGIANCE LED BY DEPUTY MAYOR JASON SOFEY**
- A. 3. INVOCATION BY DEPUTY MAYOR JASON SOFEY**
- A. 4. APPROVE MINUTES OF THE CALLED JOINT MEETING WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES OF MARCH 21, 2017, AND THE REGULAR CITY COUNCIL MEETING OF APRIL 3, 2017**

Proclamations

- B. 1. PROCLAMATION**
“Texoma Earth Day” -- April 22, 2017

Public Hearing

- C. 1. PUBLIC HEARING**
Conduct the First Public Hearing Concerning the Annexation of a 459.6 Acre Tract of Land on Preston Club Drive, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction
- C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6021 (UNDER APPEAL FROM P&Z)**
Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres (Graham Mortgage Corporation, Owners; Michael R. Coker Company, Representative; and Archon Corporation, Architect)
- C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6022**
Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District at 1711 North F.M. 1417 (Heritage Parkway), Suite 700, being Part of Block 1, Western Hills Addition, Section 5 (Spavinaw Development, LLC, Owners; Ayush Corp, DBA Thumbs Up Liquor & Tobacco, Tenant; and Vipani Soni, Representative); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6023

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 2916 North U.S. Highway 75, Suite 100, being Lot 4, Shafer Plaza (Tava Property, LLC, Owners; Nandi Bhattarai, Applicant; and Reggis Liquor #75, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6024

Repealing Ordinance No. 5878 in its Entirety; Amending Chapter 5 of the Code of Ordinances, entitled "Fire Prevention and Protection", Article 5.04, entitled "Liquefied Petroleum Gas", to Regulate Liquefied Petroleum Gas within the City's Jurisdiction, Adopting the Texas Railroad Commission's LP-Gas Safety Rules in Conformity with Section 113.054 of the Natural Resources Code; Repealing All Other Ordinances or Parts Thereof Purporting to Regulate Liquefied Petroleum Gas within the City's Jurisdiction Only to the Extent that such Other Ordinances or Parts Thereof Relate to Liquefied Petroleum Gas

Close Public Hearing and Consider Adoption of Ordinances

C. 6. ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6021, 6022, 6023 and 6024

**C. 7. TABLED AT THE FEBRUARY 6, 2017 CITY COUNCIL MEETING:
ADOPTION OF ORDINANCE NO. 6009**

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Truck Repair, Storage, Rental and Office for Ryder Trucks and a General Contractor's Office and Storage Facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District at 4613 North F.M. 1417 (Heritage Parkway), being 17.60 acres in the Alfred Humes Survey, Abstract No. 522 (Sapphire Group, LLC, Owners; Kyle Boothe, Representative; and Bluestone Drafting & Design, Designer); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 8. CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Resolutions

D. 1. RESOLUTION NO. 6208

Authorizing the Execution of a Professional Consulting Services Agreement with EIKON Consulting Group, LLC for the Design of City of Sherman Fire Station #4

D. 2. RESOLUTION NO. 6209

Authorizing Execution of a Second Amendment to the Fairview Elevated Water Tank Use Agreement with New Cingular Wireless PCS, LLC

D. 3. RESOLUTION NO. 6210

Declaring the City of Sherman's Eligibility and Intention to Participate in a Residential Tax Abatement Program to Promote Development/Redevelopment in Certain Areas of the City; Establishing Guidelines and Criteria

D. 4. * RESOLUTION NO. 6211

Authorizing Execution of an Agreement with Tobars Properties, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 409 East Wilson Avenue

Other Business

E. 1. OTHER BUSINESS

Discussion of the City of Sherman's Panhandling/Right-of-Way Safety Regulations

E. 2. * OTHER BUSINESS

Authorizing Emergency Repairs to the Shepherd Drive 1 Woodbine Water Well

E. 3. * OTHER BUSINESS

Approve the Quarterly Investment Reports for Quarter Ended March 31, 2017

E. 4. * OTHER BUSINESS

Replat Approval of Tract 3, West Canyon Creek Estates, Section 3, being 24.611 acres in the James B. Vaden Survey, Abstract No. 122 and also being all of Tract 3, West Canyon Creek Estates, Section 3; West Canyon Creek Estates, LTD and Lynn Vessels, Owners; and Underwood Drafting and Surveying, Surveyor (4100-4200 blocks of West Lamberth Road)

F. CITIZEN REQUESTS

G. MEDIA QUESTIONS

H. COUNCIL COMMENTS

Executive Session

I. 1. EXECUTIVE SESSION

In Accordance with Chapter 551, Government Code, V.T.C.S. (Open Meetings Law), "The City Council Will Now Hold a Closed Executive Meeting Pursuant to the Provisions of the Open Meetings Law, Chapter 551, Government Code, Vernon's Texas Codes Annotated, in Accordance with the Authority Contained in the Following Sections:

Section 551.071	Consultation with City Attorney concerning Pending or Contemplated Litigation
-----------------	---

Section 551.074	Personnel Matters
	(a) Consider the Qualifications, Appointment and Removal of Members to Boards and Commissions:
	(1) Planning and Zoning Commission

Section 551.087	Deliberation Regarding Economic Development Negotiations:
	(a) Deliberate Regarding Commercial or Financial Information that the City has Received from a Business Prospect and Deliberate any Offers or Incentives to the Business Prospect

The Council reconvenes into General Session

J. 1. OPEN MEETING

Reconvene into Open Meeting and Consider Action, if any, on items discussed in Executive Session

K. ADJOURNMENT

COUNCIL CALENDAR

CERTIFICATION

I, the undersigned authority, do hereby certify that the above Notice of Regular Meeting of the City Council of the City of Sherman is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board at City Hall of said City of Sherman, Texas, a place convenient to the public, and said notice was posted on April 13, 2017 at 4:00 p.m., and said time of posting was 72 hours before said meeting was convened or called to order.

Dated this 13th day of April, 2017
City of Sherman, Texas

City Clerk

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the City Council.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the City Council, non-agenda items under the headings of "Citizens Requests", "Media Questions", and "Council Concerns" may be presented to the Council for informational purposes; however, by law, the Council shall not discuss, deliberate, or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session items on this agenda.

PERSONS WITH DISABILITIES, WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE, ARE REQUESTED TO CONTACT LINDA ASHBY AT (903) 892-7204, TWO (2) WORKING DAYS PRIOR TO THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

<u>Mayor</u>	<u>Deputy Mayor</u>	<u>Council Members</u>	
David Plyler	Jason Sofey	Kevin Couch, Council-At-Large, PL #1	Terrence R. Steele, Council – District #2
		Jason Sofey, Council-At-Large, PL #2	Pamela L. Howeth, Council – District #3
		Shawn C. Teamann, Council – District #1	Charles H. Brown, Sr., Council – District #4



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

A.4.

Meeting Date: 04/17/2017

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

APPROVE MINUTES OF THE CALLED JOINT MEETING WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES OF MARCH 21, 2017, AND THE REGULAR CITY COUNCIL MEETING OF APRIL 3, 2017

Attachments

March 21, 2017 - Called Meeting with SISD

SISD Long Range Plan Bond Update

City Long Range Planning Powerpoint

Interlocal Agreement

April 3, 2017

STATE OF TEXAS **§**

March 21, 2017

COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Joint Meeting of the Sherman City Council and the Sherman Independent School District Board of Trustees was begun and held at the Sherman Independent School District Service Center on March 21, 2017.

COUNCIL MEMBERS PRESENT: Mayor David Plyler.
Council Members Brown, Couch, Howeth, Steele, Teamann.

COUNCIL MEMBERS ABSENT: Deputy Mayor Jason Sofey.

SISD MEMBERS PRESENT: Tim Millerick, President; Rob Wilson, Vice-President; Lynn Mitchusson, Secretary.
Britton Brooks, Hillary Luckett Clark, Juston Dobbs, Brad Morgan.

SISD MEMBERS ABSENT: None.

CITY STAFF PRESENT: Robby Hefton, City Manager; Don Keene, Assistant City Manager; Brandon Shelby, City Attorney; Mark Gibson, Director of Utilities; Steve Ayers, Director of Community and Support Services; Danny Jones, Fire Chief; Zachary Flores, Police Chief; Mary Lawrence, Director of Finance; Clint Philpott, City Engineer; Chris Olson, Fire Division Chief; Nate Strauch, Communications Manager; Pam Cloer, Assistant to the City Manager; Linda Ashby, City Clerk.

SISD STAFF PRESENT: Dr. David Hicks, Superintendent; Dr. Tyson Bennett, Assistant Superintendent for Finance and Operations; Dr. Tamy Smalskas, Assistant Superintendent for Student Engagement and Support; Mignon Plyler, Director of Technology and Fine Arts; Susan Whitnack, Assistant Superintendent of Curriculum and Instruction; Tammy Kyrkendal, Program Support; Debbie Smith, Secretary.

PURPOSE: Call to Order, Quorum Determined, Meeting Declared Open

Recess for Sherman Independent School District Art Show and Dinner

Pledge of Allegiance

Presentations From the Public

**Sherman Independent School District Long Range Planning: 2017
Bond Presentation**

City of Sherman Long Range Planning: Future Development

Resolution No. 6203

Declaring Support of the Sherman Independent School District 2017 Bond Election

COUNCIL MINUTES – MARCH 21, 2017

Resolution No. 6204

Adopting an Interlocal Agreement with the Sherman Independent School District Board of Trustees for Partial Assignment of Option to Purchase Real Property

SISD Board of Trustees' Action Items

Consent Agenda

Consider and Act Upon Items Listed Under the Sherman Independent School District Board of Trustee's Closed Meeting, As Necessary

Adjournment

CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN

Tim Millerick, President of the Sherman Independent School District Board of Trustees, called the meeting to order at 6:19 p.m., declared a quorum present, and opened the SISD Meeting. Mayor Plyler called the meeting to order at 6:19 p.m., declared a quorum present, and opened the Called City Council Meeting.

RECESS FOR SHERMAN INDEPENDENT SCHOOL DISTRICT ART SHOW AND DINNER

The Meeting recessed from 6:19 p.m. until 7:02 p.m. for the SISD Art Show and dinner.

PLEDGE OF ALLEGIANCE

PRESENTATIONS FROM THE PUBLIC

There were no presentations from the public.

SHERMAN INDEPENDENT SCHOOL DISTRICT SUPERINTENDENT'S REPORT

Dr. David Hicks, SISD Superintendent, said this was the fourth joint meeting between the SISD Board of Trustees and the City Council and was a great opportunity.

He introduced Dr. Tyson Bennett, Assistant Superintendent for Finance and Operations, to present the "Building Bearcats" campaign. He introduced Council Member Kevin Couch, who is also the CEO of CBC Creative, and Tammy Kyrkendal, SISD Program Support, who worked together on the campaign. The campaign goal is to equip and prepare students for success after high school.

Dr. Tammy Smakskas, Assistant Superintendent for Student Engagement and Support, recognized SISD staff, students, and teachers for various activities and awards. First United Bank was recognized as "Partner of the Month" with the SISD.

SHERMAN INDEPENDENT SCHOOL DISTRICT LONG RANGE PLANNING: 2017 BOND PRESENTATION

Dr. Bennett updated everyone on the 2017 Bond Election for the SISD that will be held on May 6, 2017. He outlined statistics of the School District including an enrollment of 7,359 students with over 31 languages spoken, and the second largest employer in the area with 1,052 employees. He discussed accomplishments of the SISD and of the students. He added that, year after year, the SISD is sound financially.

As for the facilities, there are 14 schools in the SISD, with eight out of 12 averaging 65 years old. Those eight facilities have been renovated 44 times. A facility study completed 12 to 18 months ago

COUNCIL MINUTES – MARCH 21, 2017

showed the schools to be overcrowded. He said the capacity of the High School is 1,400, however they are currently serving over 1,800 students.

School Districts raise additional funds to deal with aging facilities and growth by passing bonds. During the last 40 plus years, the SISD has had a Bond Election about every 10 years. It has now been eleven and a half years since the last Bond Election. However, there has been consistent growth in the SISD. Dr. Bennett said they have had one investment in the growth of facilities in the last 23 years, and that was in 2005. Money from that Bond Election built three new schools, the new Administration Building, and completed some renovations.

A committee was organized to look at the facilities, look at what they want, and at what's best for the students, and make a recommendation on a master long range facility plan for the future. They addressed the facilities needed, the type of learning that was needed, instructional technology, and reconfiguring the grade levels. The committee also looked at District needs.

On January 17, 2017, the results of the study were presented to the Board of Trustees. The conclusions were, 10 years of growth, 1.5% over 10 years, is about 1,000 students that the School District has grown; equated to campuses, 1,000 students is about three elementary school campuses. Therefore, the SISD has grown about three campuses over the last 10 years, but not one building has been built. Portable facilities have been set at the High School and at Dillingham, and more will be set at the High School.

During the study, it was said that the facilities are well-maintained, however they are exceeding their life. Dr. Bennett said, education changes, safety and security changes, technology clearly changes, fine arts, athletics, and career fields change immensely, but the schools are the same. From the study, the following recommendations were made: build a new Sherman High School and undertake District and campus-wide technology upgrades. These will be the first two projects. For the proposed bond issues, \$160 million is the maximum bonding capacity that the SISD has. This will be used for the first two projects.

After that, the next set of projects will be Middle School number two by turning the old High School into a Middle School, and replacing two elementary schools on-site, bringing the projects up to \$3.8 million.

Mr. Bennett addressed the tax impact. The maximum bonding capacity is \$160 million, and the SISD will not be taxing above that amount. In Sherman, the average value home is \$87,948, that equates to a maximum increase of \$202.32 per year.

He explained that after the first set of projects, the SISD will start "buying down" debt, and paying off debt. He said the SISD has been very aggressive in paying down debt in the past and has saved \$28 million in interest alone. Property values have been increasing, which brings in additional revenue.

The committee also said the projects should take them out 15 to 20 years, but they need to move very quickly on them. Dr. Bennett said it takes about one year to design a High School and two years to build it, therefore three years before students can "move in." He said it saves time by going after the \$3.8 million now.

The first project would be a new High School that would accommodate about 2,100 students. The facility would be modernized, have new safety features, and new science labs and computer stations. There would also be a focus on career and technology to better prepare students for the workforce. The complex would also include new fine arts and athletic facilities.

COUNCIL MINUTES – MARCH 21, 2017

Dr. Bennett said to build this type of facility, about 100 acres would be needed. He said there is a tremendous partnership between the SISD and the City of Sherman for the site selection. The SISD spent about 10 months assessing the area and evaluating sites to determine the best possible location.

The site selected is approximately 100 acres and is bordered on the east side by Moore Street, on the south side by O.B. Groner Road, on the west side by FM 1417, and on the north side by Steeplechase Drive.

He introduced Chris Schmitt, Principal, Teague, Nall & Perkins, to discuss the site and what makes it the best site for the new High School. Mr. Schmitt said his company has done about 250 school sites in the last 15 years and selecting the correct site is a critical part of the process. When evaluating a site, they review topography, size, vehicle access, utilities, safety, and “does it fit.” The proposed site worked well with the City and Mr. Schmitt said this site scored the highest in almost every category.

Dr. Bennett said other projects that the SISD will be working on include technology upgrades across the District. He said it has been 11 years since there has been a technology upgrade and they have already began assessing the technology infrastructure needed.

Another project will be a second Middle School, which will actually be a conversion of the old High School. The school will accommodate about 1,000 students in grades six, seven, and eight. This will immediately take some of the pressure off of Dillingham Intermediate School. Sixth grade will be pulled from Dillingham, and Piner and the old High School will serve as one of the two Middle Schools.

Two new replacement Elementary Schools will also be built. Currently three schools have enough acreage on site to build adjacent to the current school with minimal disruption to the current facility. These are Wakefield Elementary, Crutchfield Elementary, and Fairview Elementary. Two of those three sites will get a new replacement school on-site.

Dr. Bennett said the last project will be athletics. Increased parking and improved traffic flow is needed for the facility, whether they build a new Stadium site or renovate the old site. Handicapped accessibility also needs to be improved, they need additional seating capacity, new student locker rooms, restrooms, press boxes, and community meeting spaces.

Dr. Bennett said Election Day is May 6, 2017, with Early Voting running from April 24, 2017 to May 2, 2017.

CITY OF SHERMAN LONG RANGE PLANNING: FUTURE DEVELOPMENT

Robby Hefton, City Manager, complimented the School Board for thinking long term. Since State law says an entity can only build a budget one year at a time, he said it was very easy to look only at needs for that one year. Entities rarely look at additional years into the future, especially 15 years. He gave them “kudos” for their long-range planning.

He also said “how a school goes, is also a great determinant of how a City goes.” One of the first questions that developers from residential, commercial, and industrial projects always want to know is about the school system. The SISD has announced a \$300 million dollar bond package to address needs over the next 15 to 20 years. The School Board is very engaged in community. Mr. Hefton said schools are a great economic driver for a City.

He said it was great that the City and the School District are having these conversations and have “reconnected” over the last 12 to 18 months. They are discussing needs that are good for the City, the School District, and Sherman as a community.

COUNCIL MINUTES – MARCH 21, 2017

Mr. Hefton said the City is currently pursuing opportunities with developers and industry for growth in all areas, residential, commercial, retail, and industrial. He outlined economic development tools that the City has available, such as Tax Increment Reinvestment Zones, tax abatements, Chapter 380 Agreements, and land and cash incentives through the Sherman Economic Development Corporation.

He explained that the City “prepares the land for growth” through infrastructure such as the water/sewer distribution system, including plant capabilities and facilities, and streets and thoroughfares. The City has begun looking at these elements for growth planning with a phased approach.

One of the first things to consider is thoroughfares. If those aren't planned first the most direct path may not be available when the road needs to be constructed. For example, Lamberth Road will be one of the major thoroughfares to SH 289, which is now the City's western boundary. The City is currently working with developers to determine the layout and obtain right-of-way for future construction to SH 289. Construction of the actual thoroughfare will be handled in a phased approach and only constructed as warranted by development. Mr. Hefton added that it was critical to work with the SISD to encourage growth within the City.

He discussed areas of recent development in the City including Austin Landing, Canyon Creek, the Preserve, Pebblebrook Phase II and III, and Parkhaven. These areas have added “hundreds of lots” to the City. Carriage Estates has also recently been annexed and the annexation of Preston Club Estates is currently underway. These annexations are voluntary because the residents realize Sherman has an exceptional water system and infrastructure, and can serve them in a way they can't be served outside the City. There has also been a small annexation on West Houston Street.

As for street repairs, Mr. Hefton addressed the widening of Loy Lake Road that is currently underway, saying it should be complete in 2017. Other planned thoroughfares include the extension of Canyon Creek Drive; Lamberth Road, from FM 1417 to SH 289; and the Taylor / Washington Street Thoroughfare. The intent is not to build these roads now, but to plan for the future construction of the roads by planning the engineering and buying the right-of-way.

Mr. Hefton said the extension of Travis Street to the west is planned to SH 289. He explained that this road is critical to the City now because of the commercial development, Sherman Crossroads, that is currently underway at US Hwy 75 and FM 1417. There are a couple of medical facilities that are already breaking ground and should be open in the next 12 months. He said this type of development is the kind that “drives the tax base” both from a sales tax standpoint and a property tax standpoint.

Mr. Hefton identified the proposed site for the new High School and said there would be connectivity on the west side from FM 1417, as well as the new western extension of Travis Street, which will tie into the existing Travis Street and give good accessibility to the property.

He outlined other areas of commercial development, including the area at US Hwy 75 and FM 691, tentatively named Sherman Landing; FM Hwy 1417; and US Hwy 82 and SH 289. The City Council just approved engineering for a project to bring sewer to all four corners of the US Hwy 82 and SH 289 intersection and south to almost Washington Street. Water is already available at that intersection.

As for industrial development, Mr. Hefton said Panda Energy's initial \$400 million investment has had a great impact on both the City and the School District. Other projects in that area include Hart

COUNCIL MINUTES – MARCH 21, 2017

Lumber and Northgate Phase 1. Midway Industrial Park is located off of Fallon Drive in the northeast section of Sherman.

This growth also leads to major upgrades in the water and sewer infrastructure and the City just broke ground on a \$27 million Water Treatment Plant Expansion Project. There is also a major expansion project underway at the Wastewater Treatment Plant. Other considerations that go along with growth are trash service, police service, animal control, the location of fire stations, and park planning. He said there are also many opportunities to continue to work with the SISD, especially on joint usage of facilities.

Mr. Hefton said the City issued \$26 million in debt over the last year to fund the projects he previously discussed. However, the "list of needs" is greater than \$26 million. The sources of funding for this debt are the Certificates of Obligation that were recently issued and land that will be sold, where the current Fire Station #4 is located. Sherman has one of the lowest tax rates in Texas so the City's available borrowing capacity is high. The growth rate in both the sales and property taxes enhances the City's ability to pay for those obligations without raising the tax rate.

He explained that over 80% of the City's General Fund is funded through taxes, with growth being seen in all those sectors. He outlined other economic indicators that are showing positive financial trends in Sherman.

The City continues to work with the School Board on issues such as a Veterans Field Use Agreement, the Public Safety Officer Program, Joint Facility Use, and the City support for the 2017 SISD Bond Election.

Mr. Hefton said the next step will be to consider approval of a joint purchase agreement for property on O.B. Groner and FM 1417 and a resolution of support for the 2017 Bond Election.

Mr. Hefton showed a video of the proposed site for the new High School.

RESOLUTION NO. 6203

DECLARING SUPPORT OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT 2017 BOND ELECTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING SUPPORT OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT 2017 BOND ELECTION.

Mr. Hefton said there is no question that the path the School District is on is the right path. There's no question that the City and the School District working together will be critical to the success of both the School District and the City. He reiterated that the Bond Election is scheduled for May 6, 2017, and Early Voting begins April 24, 2017.

ACTION TAKEN.

Motion by Council Member Couch to adopt Resolution No. 6203, as presented. Second by Council Member Howeth.

VOTING AYE: Brown, Couch, Howeth, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6204

ADOPTING AN INTERLOCAL AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES FOR PARTIAL ASSIGNMENT OF OPTION TO PURCHASE REAL PROPERTY

COUNCIL MINUTES – MARCH 21, 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, ADOPTING AN INTERLOCAL AGREEMENT WITH THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES FOR PARTIAL ASSIGNMENT OF OPTION TO PURCHASE REAL PROPERTY.

Mr. Hefton explained that this action will allow the City to enter into an interlocal agreement to allow the SISD to “step into” the City’s place on the agreement with the property owner for the purchase of approximately 98 acres at the corner of FM 1417 and O.B. Groner Road (what will soon be Travis Street). This will allow the SISD to purchase the property they need for their new High School.

Council Member Steele said when the City began looking at this more than a year ago, it was a “no brainer” because these tax dollars are the same tax dollars used by the SISD and for the citizens of Sherman. The City hoped that the SISD would select this site, so they locked it in at a good price. He felt it was a “win-win” for the citizens of Sherman.

ACTION TAKEN.

Motion by Council Member Steele to adopt Resolution No. 6204, as presented. Second by Council Member Teamann.

VOTING AYE: Brown, Couch, Howeth, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

CONSIDER AND ACT UPON ITEMS LISTED UNDER THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEE CLOSED MEETING, AS NECESSARY

Mr. Millerick said the SISD’s action items were coming out of their Closed Meeting. Dr. Bennett said the SISD has spent about 10 months researching the available sites and he thanked the City for the partnership they have been working on for the past 10 plus months.

He said the SISD is prepared to recommend approval of an Interlocal Agreement with the City of Sherman for partial assignment of the option to purchase property for a new High School site. The site designated is approximately 100 acres of land, bounded by the east on Moore Street, on the south by O.B. Groner, on the west by FM 1417, and on the north by Steeplechase Drive. The SISD Board of Trustees voted unanimously to approve the motion.

CONSENT AGENDA

The SISD Board of Trustees approved the Consent Agenda.

Mr. Millerick said this has been a unique partnership in planning between the two entities. He thanked the staff of both entities for their hard work. He recognized Kiki Osterman from the audience and thanked her for her passion in getting the project going. He also thanked Brad Douglass and Gail Utter for their hard work on the Bond Election.

ADJOURNMENT

There being no further business to come before the City Council or the Sherman Independent School District Board of Trustees, motion was duly made and approved to adjourn the Called Meeting at 8:48 p.m.

MAYOR

ATTEST

CITY CLERK

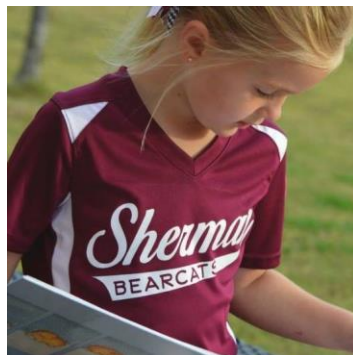
BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

PRESENTED TO: SHERMAN ISD BOARD
OF TRUSTEES &
SHERMAN CITY COUNCIL

PRESENTERS: DR. TYSON BENNETT,
ASST. SUPT., FINANCE & OPERATIONS

MEETING DATE: MARCH 21, 2017



OUR STUDENTS



ECONOMICALLY
DISADVANTAGED
STUDENTS

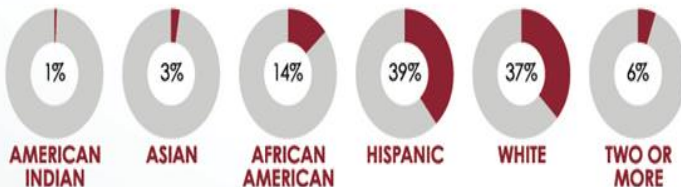


LANGUAGES
SPOKEN IN OUR
SCHOOLS

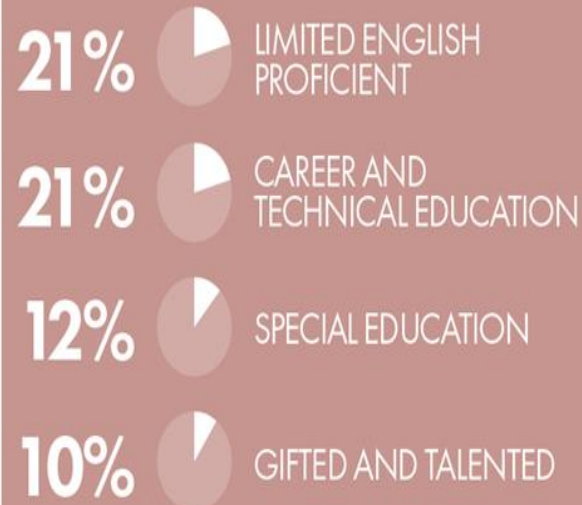
STUDENT ENROLLMENT

7,359

DEMOGRAPHICS



SPECIAL PROGRAMS



OUR TEACHERS

1,052 DISTRICT
EMPLOYEES

544 TEACHERS
WITH
11.1 AVERAGE YEARS
TEACHING
EXPERIENCE



2ND
LARGEST
EMPLOYER
IN
GRAYSON
COUNTY

THIRTY PERCENT

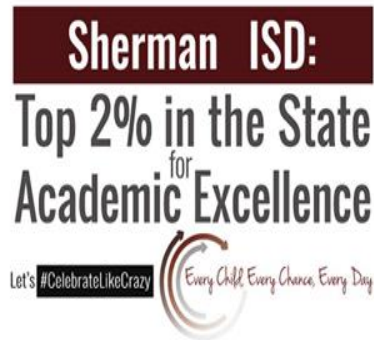


OF SHERMAN ISD TEACHERS HOLD
ADVANCED DEGREES

ACADEMIC PERFORMANCE



**Fred Douglass
Early Childhood Center**
PreK Education
Texas Gold Standard



- Sherman ISD was rated in the **top 2% in the state for Academic Excellence** from Pre-K to 12th grade.
- Fred Douglass Early Childhood Center achieved the **Texas Gold Standard as a Pre-K Center of Excellence** from the TEA.
- Sherman High School ranked in the **top 8% in the U.S. and top 10% in Texas** on the “Best High Schools” list for 2016.
- For the **10th year in a row**, Sherman High School ranks as one of the **best high schools in America for their commitment to preparing students for college**. For 2016, Sherman High School was ranked in the top 6.8%.

ACCOMPLISHMENTS



Awarded Sherman's Large Business of the Year for 2016



Awarded Texoma's Education Partner of the Year for 2016



Bilingual Teacher of the Year in Texas



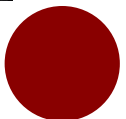
BEST TEACHER & BEST VOLUNTEER



Katy Country & K MAD Teachers of the Month



Best Overall Campaign -United Way- 2016



FINANCIAL SNAPSHOT



Texas Comptroller
Leadership Circle

- Sherman ISD received a “**Superior Achievement**” in the School FIRST program for past 7 years.
- Sherman ISD received the **Texas Comptroller Platinum Leadership Circle Award** for Financial Transparency.
- Over the last 8 years, Sherman ISD has strategically paid down debt for a **cost savings to taxpayers** of just over \$28 million.
- SISD’s total tax rate ranks in the **bottom half of Grayson County schools**.

OUR FACILITIES AND OPERATIONS



1.3 MILLION

TOTAL FACILITIES
SQUARE FOOTAGE

81 SQUARE
MILES

5 THOUSAND
LUNCHES SERVED DAILY



3 THOUSAND
BREAKFASTS SERVED DAILY

SISD TRANSPORTS

1,900
STUDENTS



OVER
300,000
MILES
EVERY YEAR

CONDITION OF OUR FACILITIES

8 OF 12 FACILITIES



WITH



CONSTRUCTION &
RENOVATION PHASES

AVERAGE AGE
OF FACILITIES =
65



OVER
CROWDING AT
ALL CAMPUSES

**SHERMAN BEYOND
HIGH SCHOOL CAPACITY**

BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

11
YEARS SINCE LAST **BOND**



2005

1 INVESTMENT IN
SCHOOLS
IN 
 **1994** **23**
YEARS

BOND ELECTION HISTORY

1975

>10 YEARS

1985

>9 YEARS

1994

>11 YEARS

Sept. 10th

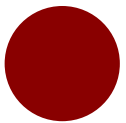
2005

>11 YEARS

May 6th

2017

**Average of ~10 Years
Between Bond Elections**



BUILDING BEARCATS **2030**

SHERMAN INDEPENDENT SCHOOL DISTRICT

BOARD CHARGE: STUDY THE DISTRICT'S FACILITY NEEDS AND PROVIDE RECOMMENDATIONS FOR A LONG RANGE FACILITIES PLAN

- **BB2030 participated in 7 planning meetings and a campus tour**
 - **October 3rd – Charge, Timeline, & Overview of SISD**
 - **October 24th – SISD Demographics, Finance, & Facilities**
 - **October 29th – Facility Tours**
 - **November 9th – Transformational Learning, Instructional Technology and Grade Level Configuration**
 - **November 28th – District Needs, Construction Cost Training and Translating Sherman ISD Needs into Projects**
 - **December 5th – Prioritizing Project Needs and Cost Projecting**
 - **January 9th – Reviewed Survey and Confirmed Recommendations**
 - **January 17th – BB2030 Co-Chair Recommendation to the Board**

1,042

Hours volunteered
by committee

70

Taxpayers /
Committee
Members

4

Months spent on
projects

7

Meetings

BUILDING BEARCATS **2030**

SHERMAN INDEPENDENT SCHOOL DISTRICT

- **Major Takeaways from BB2030 Planning Meetings**
 - **Ten years of growth at ~15% or 1,000 students, equaling 3 elementary campuses.**
 - **Campuses are overcrowded and beyond capacity across the district.**
 - **Temporary portable classrooms were added to serve more students.**
 - **8 of 12 campuses average 65 years of age with 44 construction or renovation phases.**
 - **Facilities are well maintained, but exceeding their useful life.**
 - **Education, Technology, Security, Fine Arts, Athletics, and Career fields have changed over the past 65 years while most Sherman schools look relatively the same.**

MANUFACTURING THEN



MANUFACTURING NOW



BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

ON JANUARY 23RD, THE SHERMAN ISD BOARD OF TRUSTEES CALLED A BOND ELECTION FOR MAY 6, 2017

2017 BOND PROPOSAL ITEMS

New Sherman High School

District And Campus-Wide Technology Upgrades

IMMEDIATE PROJECTS

\$160,299,015

Middle School No. 2

Two New Replacement Elementary Schools

Athletics And Multi-Purpose Facilities

FUTURE PROJECTS

\$147,730,985

TOTAL

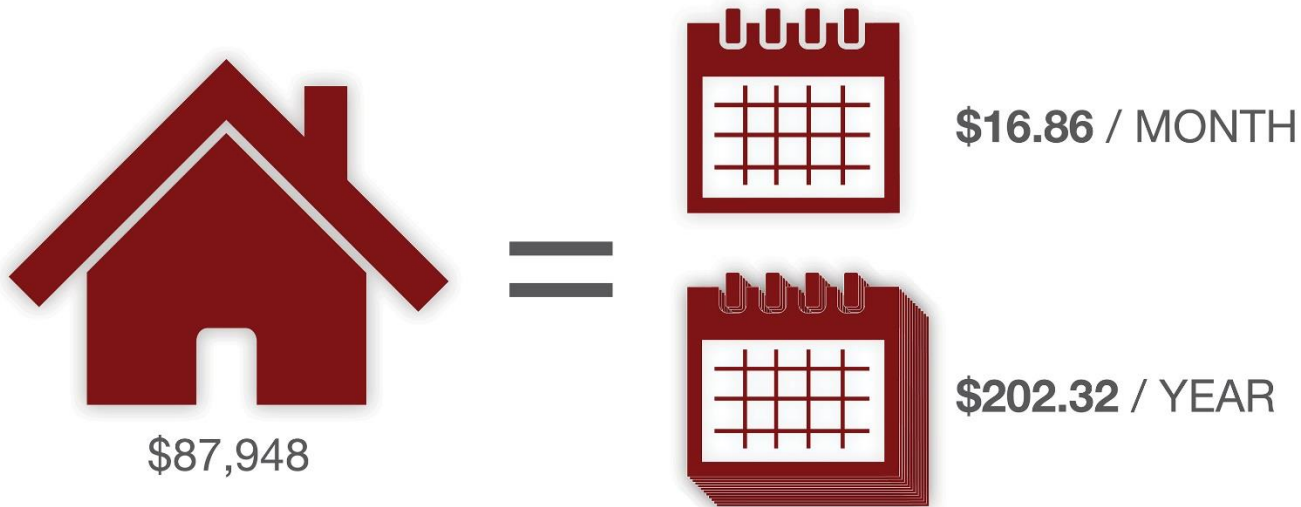
\$308,000,000



BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

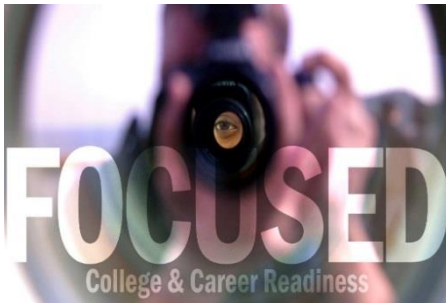
TAX IMPACT



If Qualified for 65+ Homestead Exemption



NEW SHERMAN HIGH SCHOOL



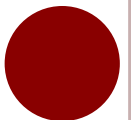
- 2,100 student base capacity, with flexibility to support up to 2,400 students
- Modern safety and security features
- New science labs and Career & Technology Education spaces and classrooms
- Technology infrastructure for collaborative teaching and learning
- Classroom, lab and teacher computers
- Teacher training and collaborative spaces
- New fine arts facilities
- New athletic facilities including turf practice field and district track
- Improved traffic flow

BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

PROPOSED NEW SHERMAN HIGH SCHOOL SITE:

- Sherman ISD spent approximately 10 months researching possible site locations for a new high school.
- Conferred with the City of Sherman
- Consulted real estate developers
- Reviewed options with VLK Architects
- Involved Teague Nall and Perkins, a professional civil engineering firm, to analyze potential sites.





PROPOSED NEW SHERMAN HIGH SCHOOL SITE



Sherman ISD selects an approximate 100-acre tract of land bounded on the east by Moore Street, on the south by OB Groner Road, on the west by 1417, and on the north by Steeplechase Drive.

Selection Based on:

■ Size ■ Shape ■ Location ■ Topo ■ Access/Traffic ■ Safety ■ Noise ■ Utilities ■ Cost



NEW HIGH SCHOOL SITE STUDY

Sherman ISD



DISTRICT-WIDE TECHNOLOGY UPGRADES

11
YEARS

SINCE LAST MAJOR
UPGRADE TO
NETWORK AND
DEVICES

3,500+ DEVICES
CONNECT TO THE
WIRELESS NETWORK
PER DAY

10,000+ LOGINS
EVERY DAY



- District-wide increased wireless access points
- Bandwidth upgrades
- Classroom AV / projection equipment
- Disaster recovery systems

BOND  **2017**
SHERMAN INDEPENDENT SCHOOL DISTRICT

MIDDLE SCHOOL NO. 2



- Conversion of old Sherman High School to a middle school for 1,000 students, decreasing demand on two older buildings
- Updated science labs and Career & Technology Education spaces and classrooms
- Collaborative learning spaces including modern group work spaces and furniture, technology infrastructure, and wireless access points
- Renovated library to modern learning center and collaboration commons



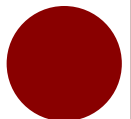
TWO NEW REPLACEMENT ELEMENTARY SCHOOLS

WHY?

- Every elementary school in the district is at or over capacity
- Smaller aging schools cost significantly more to maintain and operate for fewer students
- Wakefield, Crutchfield, Fairview, and Jefferson are all **past their 50 year operational life expectancy**, and designed for teaching and learning of the previous century
- Inadequate electrical capacity - cannot run a modern classroom



8 NUMBER OF FACILITIES AVERAGE AGE **65**
WITH **44** CONSTRUCTION & RENOVATION PHASES
OVER CROWDING AT ALL CAMPUSES



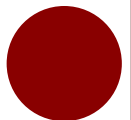


ATHLETICS



IMPROVEMENTS TO ATHLETICS

- **Increase Parking Spaces**
- **Improve Traffic Flow**
- **Improve handicap accessibility, including sidewalks and ramps.**
- **Increased seating capacity**
- **New student locker rooms**
- **New restrooms**
- **New concessions**
- **New press box**
- **Community meeting space**



BOND 2017

SHERMAN INDEPENDENT SCHOOL DISTRICT

ELECTION DAY -- MAY 6, 2017

VOTING INFORMATION

Register to vote by Thursday, April 6!

SUN	MON	TUES	WED	THURS	FRI	SAT
APRIL 23	APRIL 24 Early Voting 8am - 5pm	APRIL 25 Early Voting 8am - 5pm	APRIL 26 Early Voting 8am - 5pm	APRIL 27 Early Voting 8am - 5pm	APRIL 28 Early Voting 8am - 5pm	APRIL 29 Early Voting 8am - 5pm
APRIL 30	MAY 1 Early Voting 7am - 7pm	MAY 2 Early Voting 7am - 7pm	MAY 3	MAY 4	MAY 5	MAY 6 ELECTION DAY! 7am - 7pm

Early Voting Locations

Election Day Locations

Sherman ISD Service Center (2701 Loy Lake Rd.)
Sory Elementary School (120 S. Binkley Dr.)

FOR MORE INFORMATION OR
QUESTIONS ABOUT...

***BUILDING
BEARCATS***  ***2030***

*SHERMAN INDEPENDENT SCHOOL DISTRICT
LONG RANGE FACILITIES PLANNING*

OR

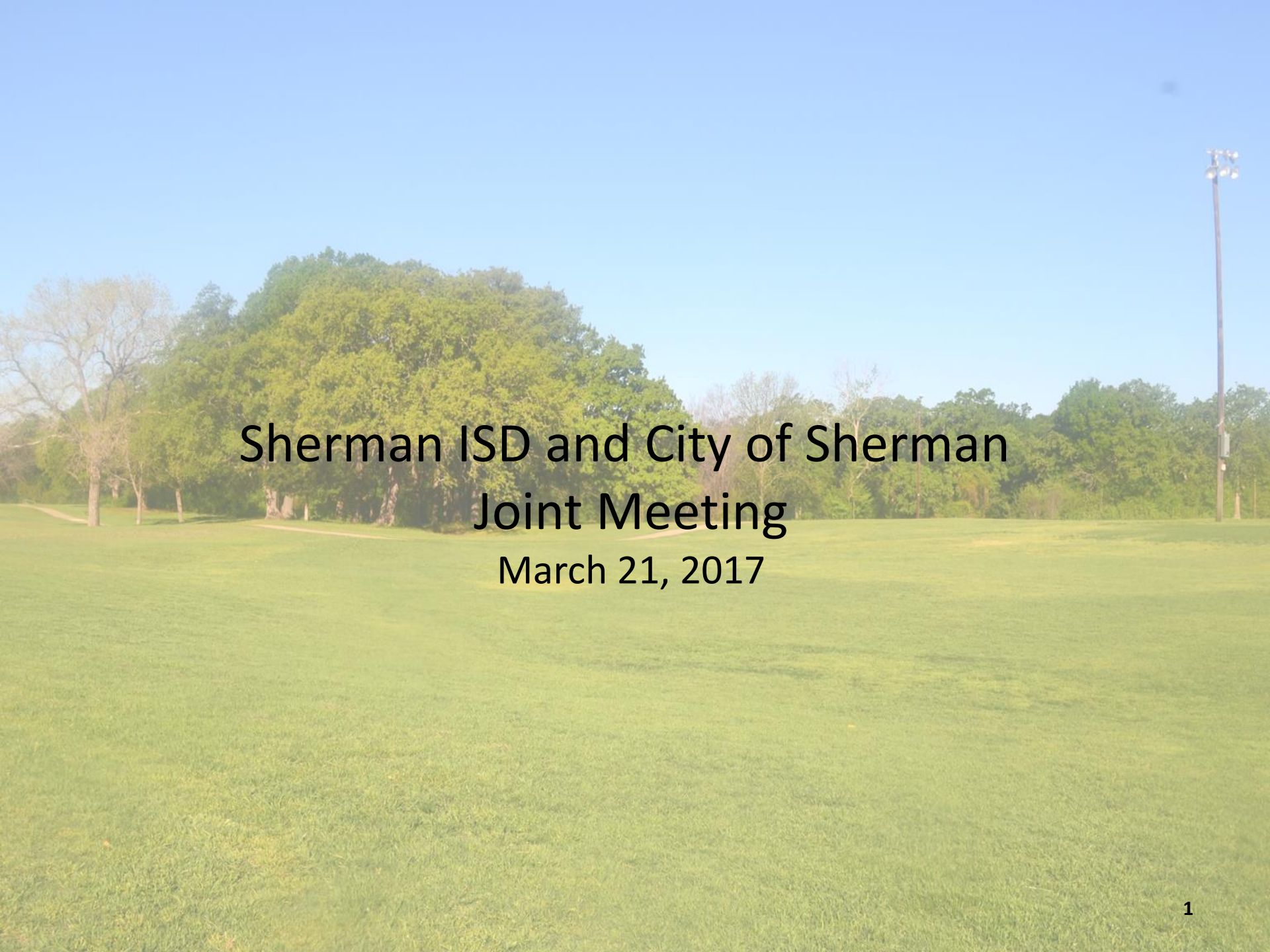
BOND  ***2017***

SHERMAN INDEPENDENT SCHOOL DISTRICT

CONNECT



www.ShermanISD.net/Bond2017

A wide-angle photograph of a green field, likely a golf course or park, with a dense line of trees in the background. A tall, thin light pole stands on the right side of the frame. The sky is clear and blue.

Sherman ISD and City of Sherman Joint Meeting March 21, 2017

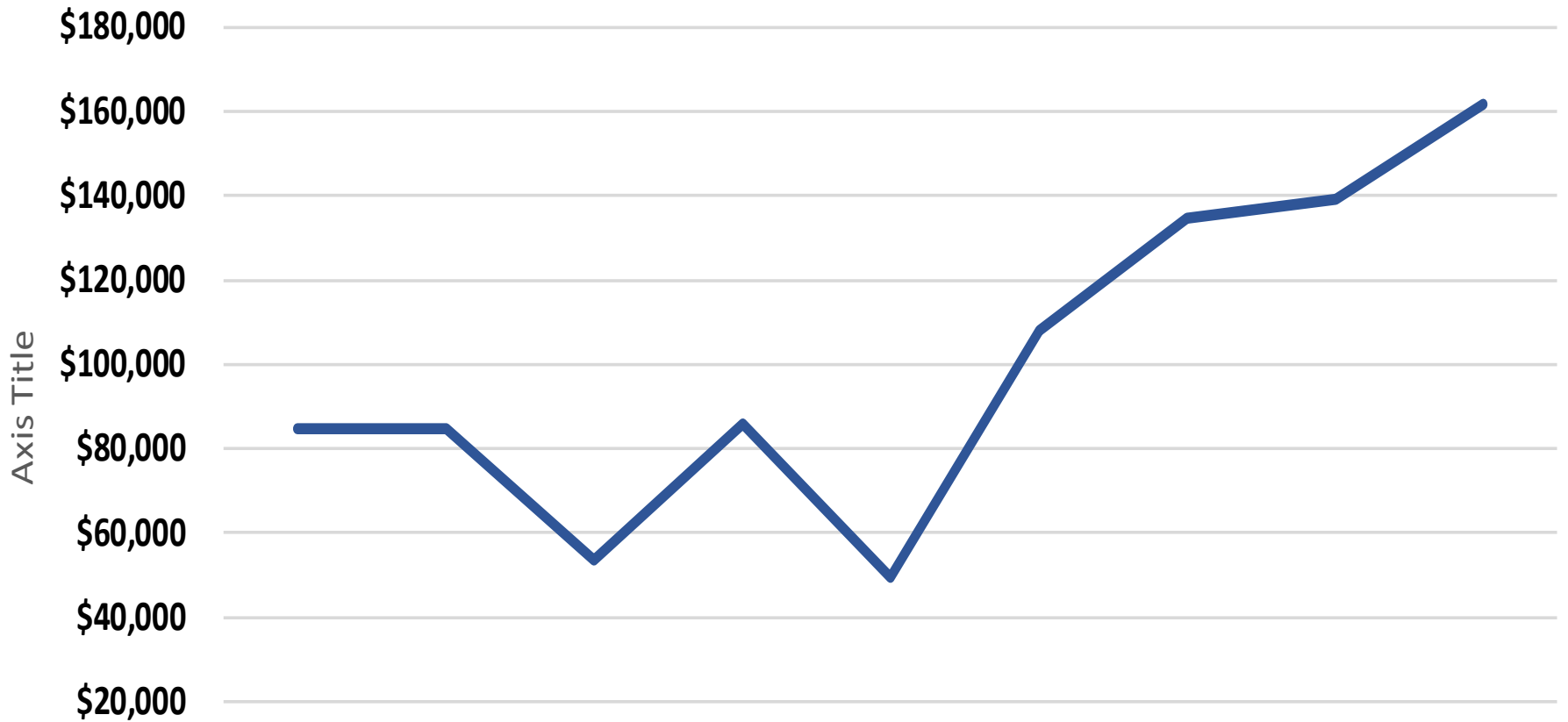
Current Focus

- Aggressively pursuing opportunities with developers and industry for growth
- Seeing growth across sectors
 - Residential (single and multi-family)
 - Commercial/Retail
 - Industrial
- Using economic development tools to incentivize development in Sherman
 - TIRZ
 - Tax Abatements
 - Chapter 380 Agreements
 - Land and cash incentives (SEDCO)

Current Focus (cont)

- Proactively planning and developing various infrastructure components
 - Water/Sewer distribution system
 - Water/Sewer plant capacities and facilities
 - Thoroughfares
 - Facilities – Library, Fire Station(s), Parks, Reuse opportunities (Muni Bldg, PD, Animal Control, etc)
- Phased approach – Preliminary engineering & ROW acquisition, then thoroughfare construction as warranted by development
- Working with SISD to promote its Building Bearcats initiative - vital for maintaining and encouraging a desirable and growing community

Building Permits



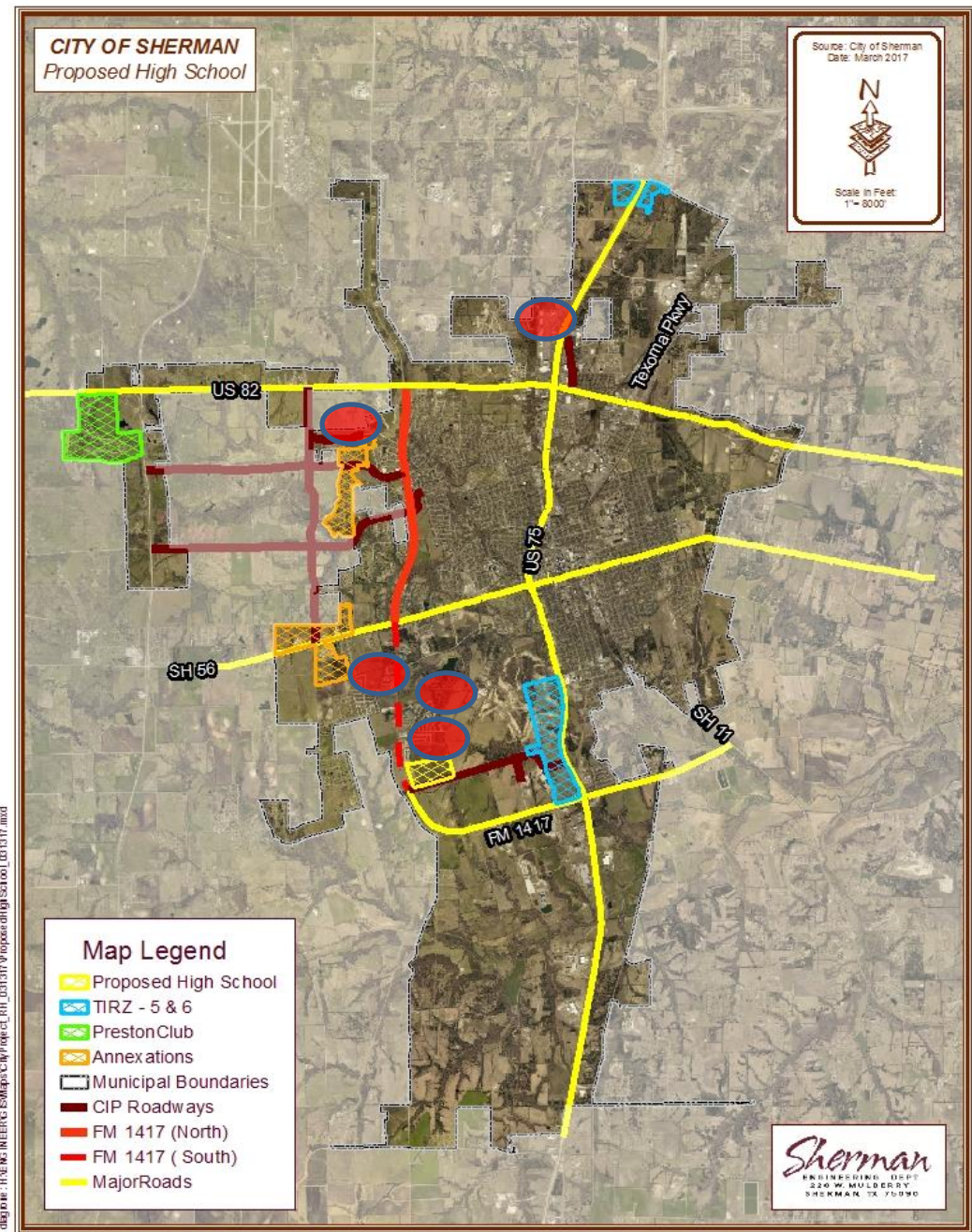
	9/30/08	9/30/09	9/30/10	9/30/11	9/30/12	9/30/13	9/30/14	9/30/15	9/30/16
Series1	84,640.3	84,640.3	53,713.9	85,897.0	49,457.2	108,060.	134,504.	139,074.	161,793.

Residential Development

- Austin Landing (200+ lots)
- Canyon Creek (100+ lots)
- Preserve (71 lots)
- Pebblebrook II & III (91 lots)
- Parkhaven (33 lots)

Annexation Areas

- Carriage Estates (150 lots)
- Preston Club (330 lots)
- W. Houston (commercial)

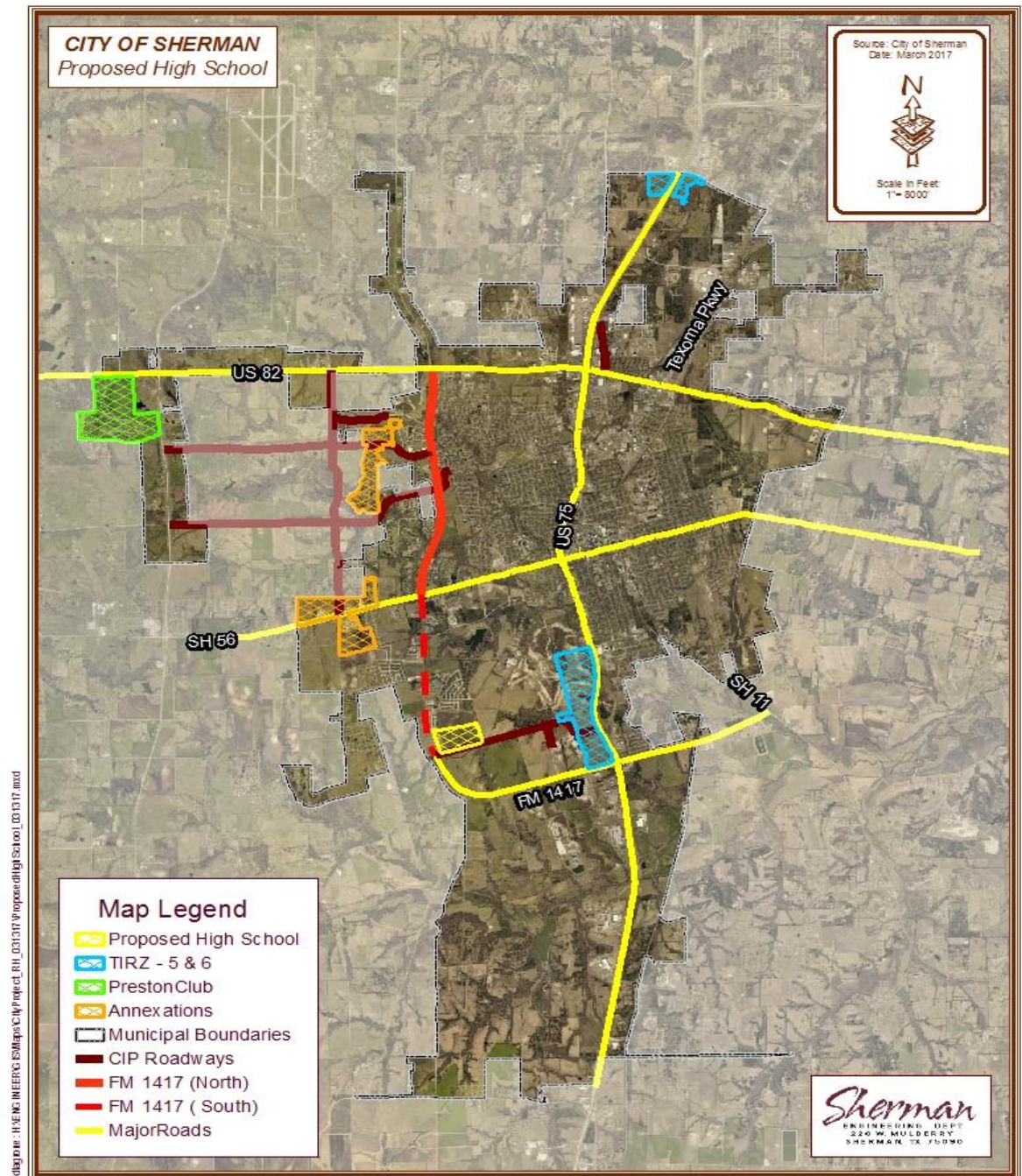


Street Development

- Canyon Creek
- Lamberth
- Taylor/Washington
- Travis (west)
- Friendship

Other Thoroughfares

- Hwy 1417



Commercial Development

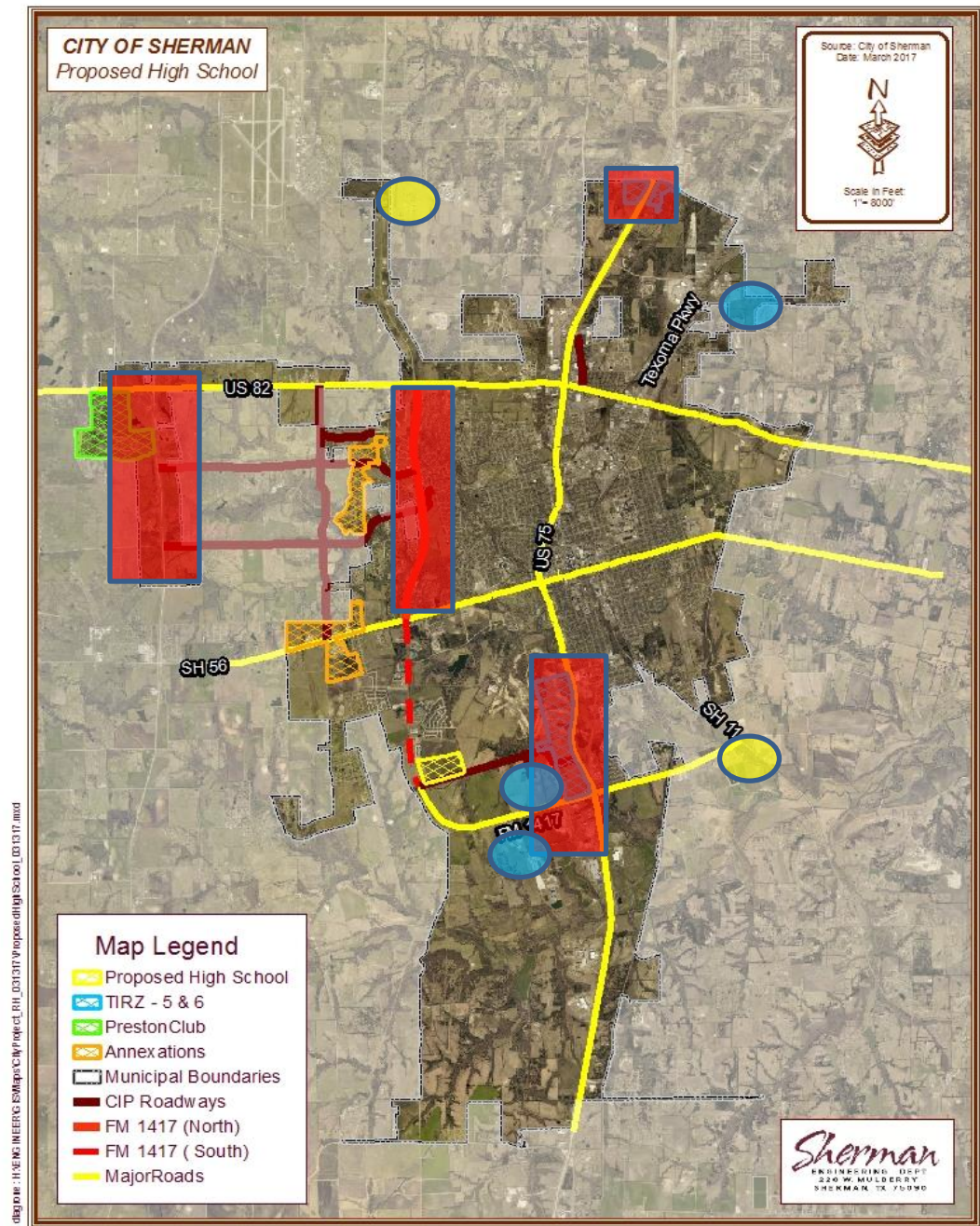
- Sherman Crossroads 
- **Sherman Landing**
- Hwy 1417
- Hwy 289/82

Industrial Development

- Hart Lumber 
- Northgate Phase I
- Midway Industrial Park

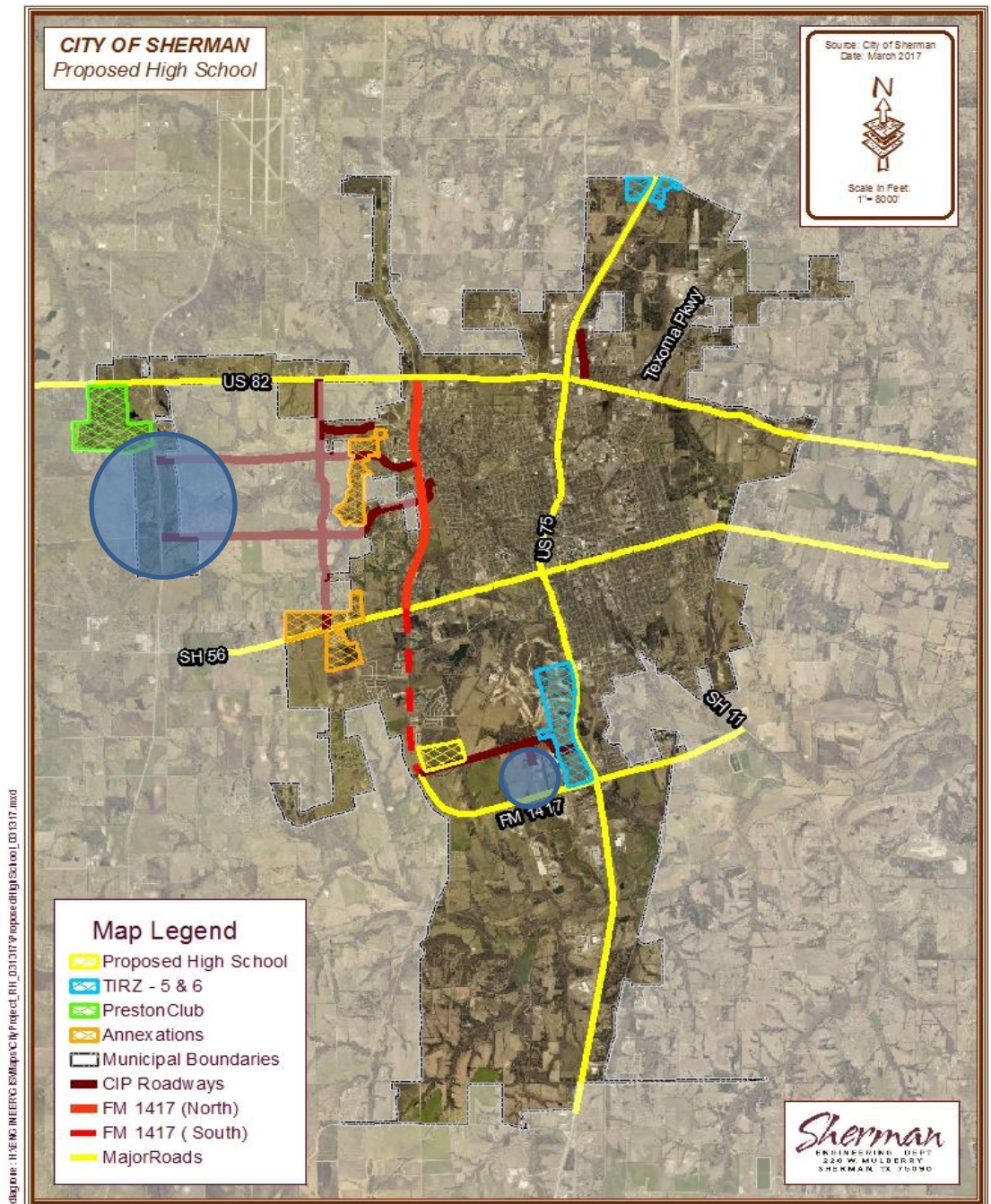
Utility Development

- WTP Expansion 
- WWTP Improvements



Other Considerations

- Fire Station locations
 - Relocate Stn 4
 - Location of Stn 6
- Parks Planning



Parks Planning and Development

Current planning efforts

- Master Plan update underway
- Bike trails/paths discussion underway
- Canyon Creek Ballfields planning
- Disk golf course at Pecan Grove West

Challenges

- Limited game field + practice space
 - Working with local youth sports organizations and Parks Board to assess ballfield needs for soccer, baseball, softball, other
- Parks space development to meet growth westward
 - Possible joint-use considerations with SISD??



Financial Overview

Financial Considerations

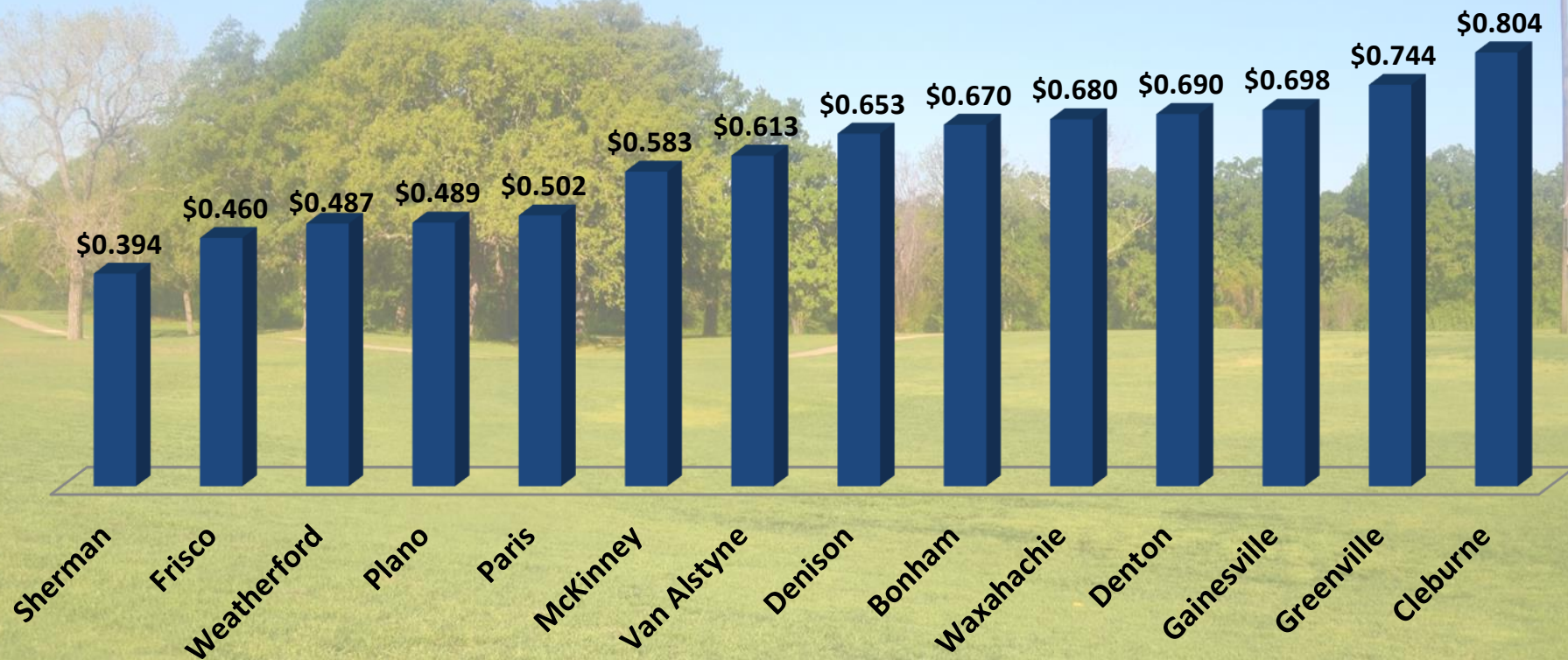
Project Costs

- Transportation/infrastructure - \$21 million (City and TxDOT projects)
- Facilities - \$5 million (immediate needs)

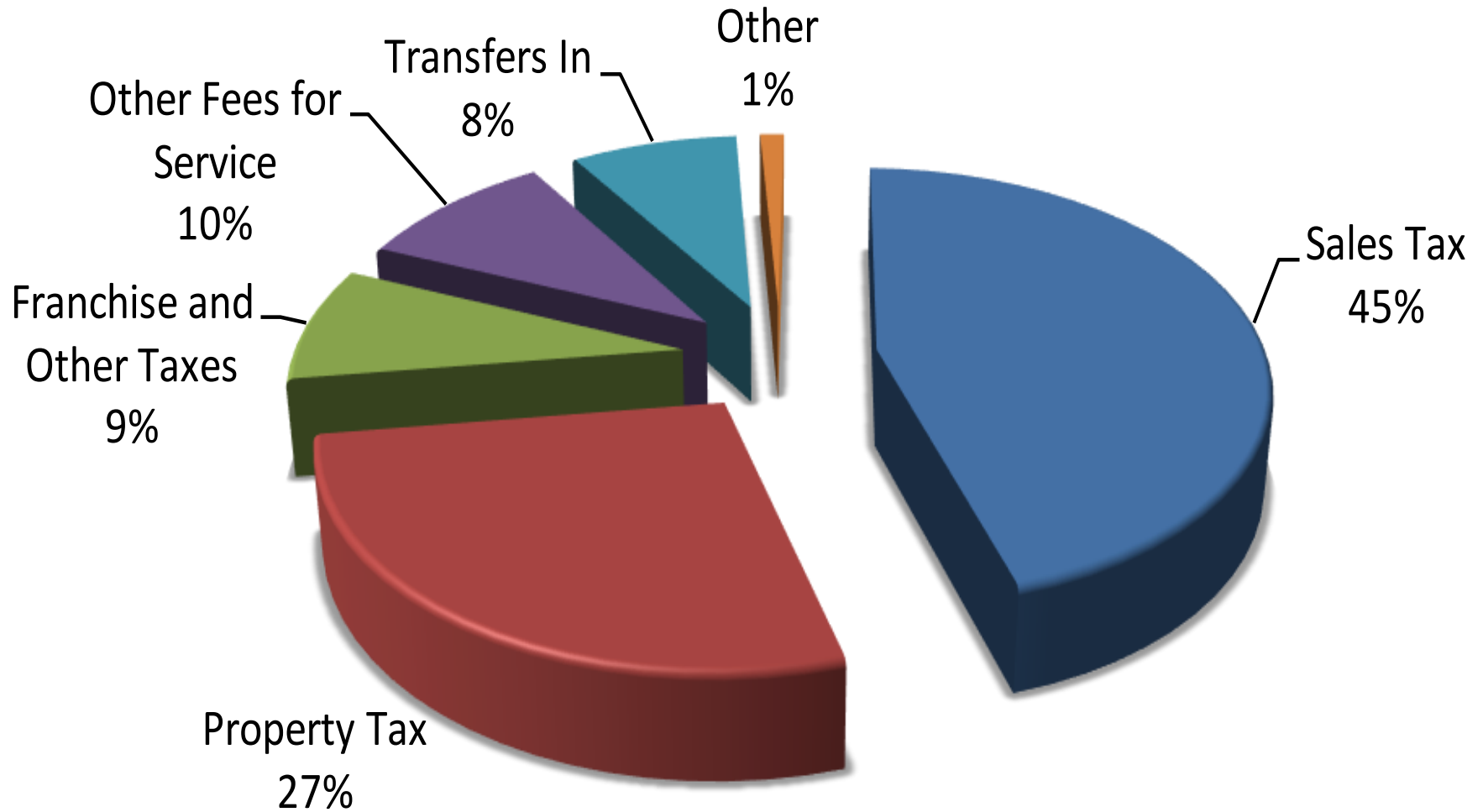
Financing Sources

- Debt Issuance
 - CO's issued - \$26 million (2016 +2017)
- Land Sale (Station 4) - \$3 million
- Available borrowing capacity is high (because of low tax rate), but need for borrowing and effect on tax rate evaluated in light of tax base growth

Municipal Property Tax Rates



General Fund Revenue Sources



Financial Trends

Property Tax base growth

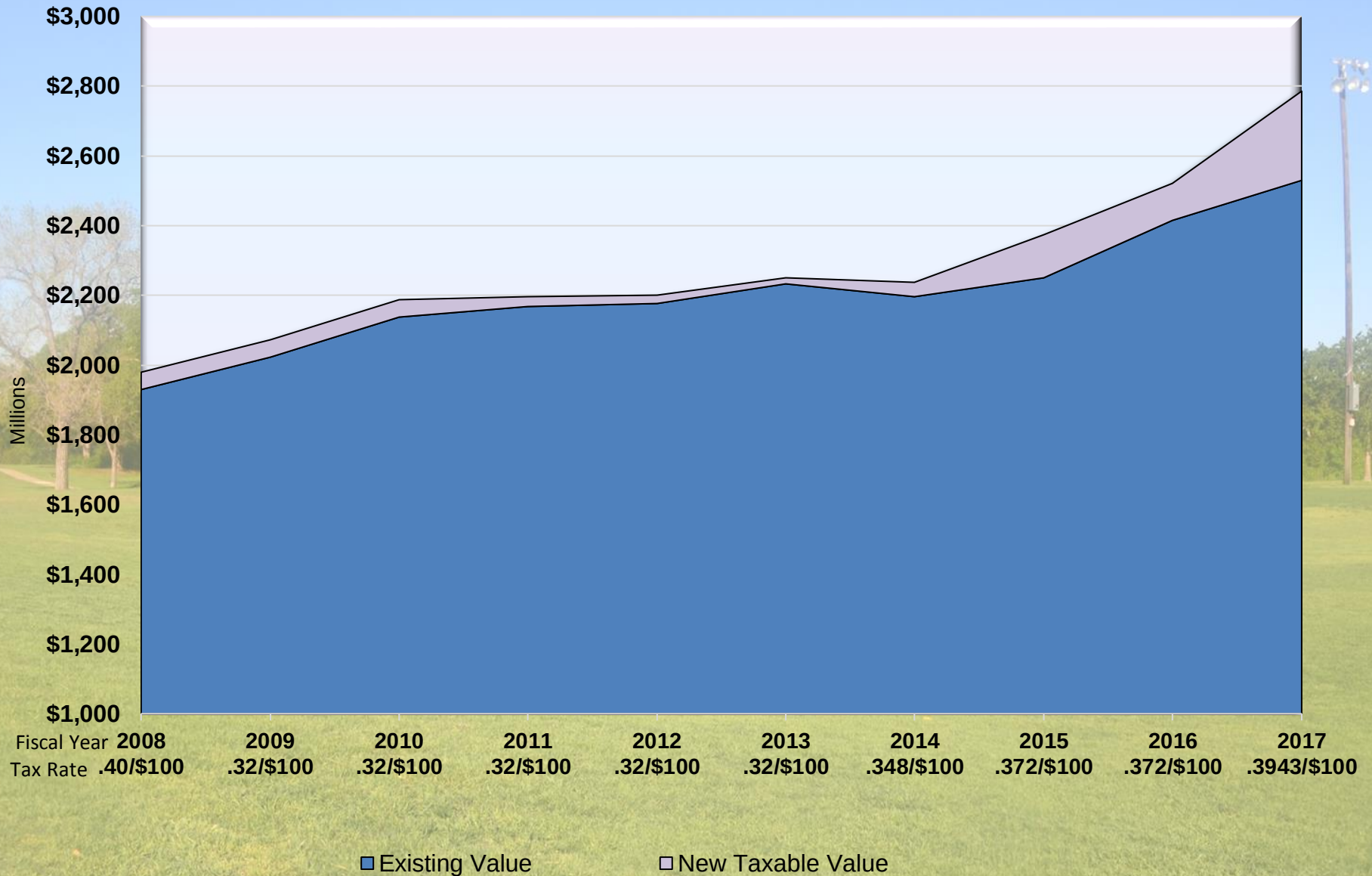
- New Value
- Increase in existing values

Sales Tax base growth

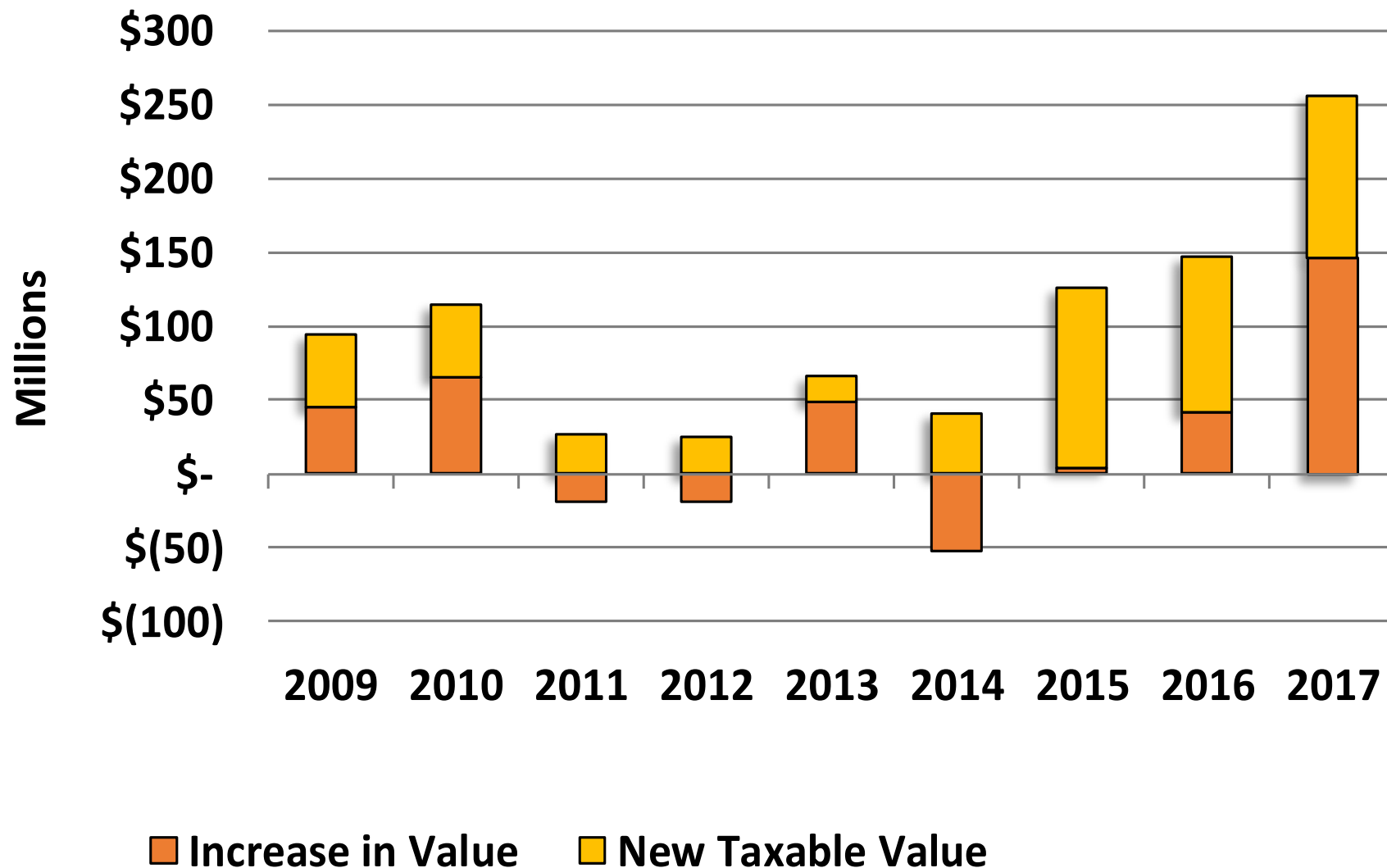
Other Economic Indicators

- Real Estate market
 - 3 month inventory (vs. 6+ historically)
 - Multifamily 95%+ full
 - Permits for new housing up, beginning in 2015
- Unemployment - <4%
- Fed Rate hike

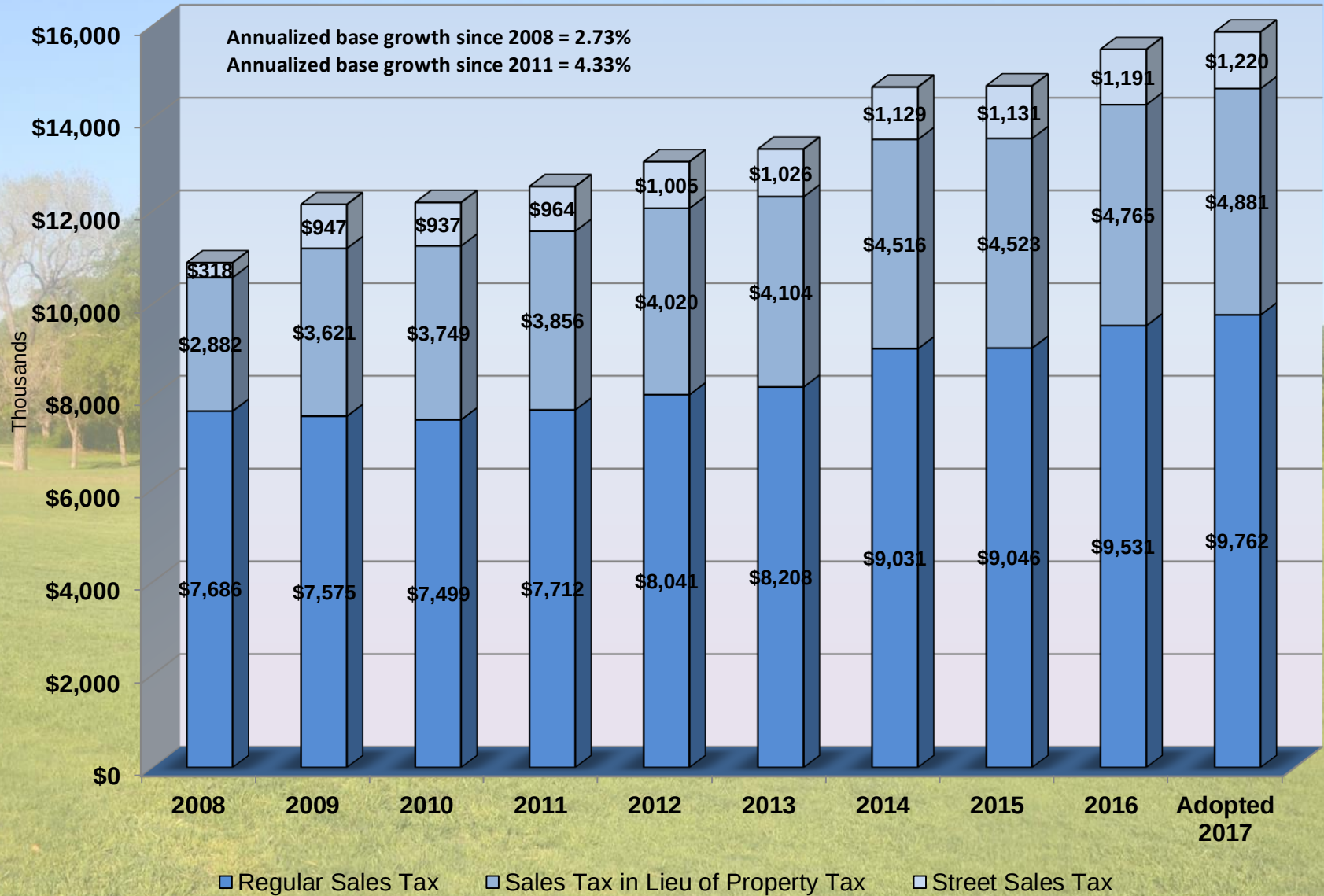
Property Tax Rates and Value



Change in Property Values



Sales Tax Revenue History



Working Together

Veterans Field Use Agreement

SISD Police Dept/Public Safety Officer program

Joint Facility Use

City support of 2017 SISD Bond election

Wrapping It Up

City is undertaking major planning and infrastructure development efforts, much like SISD

Having our entities working together in our planning and development is critical to our mutual success

Next step is consideration for approval of joint purchase of property on OB Groner & Hwy 1417, and resolution of support for 2017 SISD Bond election



Site Flyovers and Discussion

Next Steps for City

Approval for joint purchase of property on OB
Groner & Hwy 1417

Resolution of support for 2017 SISD Bond election

INTERLOCAL AGREEMENT FOR PARTIAL ASSIGNMENT OF OPTION TO PURCHASE REAL PROPERTY

THIS ASSIGNMENT is made this 21ST day of March, 2017 by The City of Sherman (hereinafter referred to as "Assignor" or "City") to Sherman Independent School District (hereinafter referred to as "Assignee" or "District") (hereinafter referred to jointly as "Parties").

WHEREAS, Assignor has entered into a certain Agreement for the Option to Purchase Real Property ("Agreement") with Walter H. De Ronde and Mary T. De Ronde as "Sellers" and Assignor as "Buyer" which Agreement was executed on May 18, 2016 by said Assignor and said Seller for the option to purchase and sell certain real property being, lying and situated within the territorial limits of the City of Sherman in Grayson County, Texas and more particularly described in said Agreement, copy of said Agreement being attached hereto as **Exhibit "A"**; and,

WHEREAS, Assignor desires to assign, transfer, sell and convey to Assignee a certain portion of Assignor's right, title and interest in, to and under said Agreement; and,

WHEREAS, Assignee is desirous of receiving said portion of Assignor's right, title and interest in, to and under said Agreement; and,

WHEREAS, Interlocal contracts are authorized by the Texas Interlocal Cooperation Act (TICA) Tex. Gov't Code §791.001, et seq; and,

WHEREAS, TICA provides statutory authority for local governments to contract or agree with another local government to perform governmental functions and services that each party to the contract is authorized to perform individually. Tex. Gov't Code §791.001, et seq.; and,

WHEREAS, Assignor is authorized by Texas Local Government Code §272.001(b)(5) to convey its real property interest to Assignee;

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Assignor has assigned, transferred, sold and conveyed and by these presents does hereby assign, transfer, sell and convey unto Assignee a certain portion of Assignor's right, title and interest in, to and under said Agreement, as follows:

1. Assignee hereby assumes Assignor's Option to purchase the portion of the tract of real property suitable for the development of District facilities.

2. Assignor shall retain the Option to purchase certain portions of the tract of real property suitable for City facilities or economic development.

3. The Parties agree to identify which portions of the real property each desires to purchase on or before the day of closing contemplated by the Agreement.

4. The Parties agree to perform all covenants, conditions and obligations required under the Agreement.

5. The Parties agree to make all payments required under this Assignment and the original Agreement out of current revenue available to each paying party. See Tex. Gov't Code §791.011(d).

6. Assignee agrees and understands that Assignor is not acting as a real estate broker or agent in this transaction and is not representing either party, but rather is acting as a principal in selling its interest in the above-referenced Agreement to Assignee.

7. Time is of the essence in this Assignment.

8. Execution by Both Parties. This Assignment shall not become effective and binding until fully executed by both City and District.

9. Notice. All notices, demands and/or consents provided for in this Assignment shall be in writing and shall be delivered to the parties hereto by hand or by United States Mail with postage pre-paid. Such notices shall be deemed to have been served on the date mailed, postage pre-paid. All such notices and communications shall be addressed to the District and City at the following or at such other address as either may specify to the other in writing:

As to District: Sherman Independent School District
Superintendent of Schools
2701 Loy Lake Road
Sherman, Texas 75092

With copies to: Wolfe, Tidwell & McCoy
Attn: James C. Tidwell
320 N. Travis Street, Suite 205
Sherman, TX 75090

As to City: City of Sherman
City Manager
220 West Mulberry Street
Sherman, Texas 75090

With copies to: City of Sherman
City Attorney
220 West Mulberry Street
Sherman, Texas 75090

10. Governing Law. This Assignment shall be governed by and construed in accordance with the laws of the State of Texas with venue in Grayson County, Texas.

11. Successors and Assigns. This Assignment shall apply to, inure to the benefit of and be binding upon and enforceable against the parties hereto and their respective heirs, successors, and or assigns, to the extent as if specified at length throughout this Assignment.

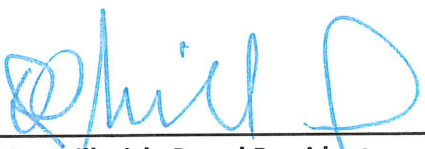
12. Attorneys' Fees Cost of this Assignment. Any cost and/or fees incurred by the City or District in executing this Assignment, including but not limited to attorneys' fees shall be borne by the respective party incurring such cost and/or fee.

13. Entire Agreement. This Assignment contains all of the terms, promises, covenants, conditions and representations made or entered into by or between City and District and supersedes all prior discussions and agreements whether written or oral between City and District with respect to the Assignment and all other matters contained herein and constitutes the sole and entire agreement between City and District with respect thereto. This Assignment may not be modified or amended unless such amendment is set forth in writing and executed by both City and District with the formalities hereof.

14. Assignor is in possession of the Original Agreement.

IN WITNESS THEREOF, the Parties hereto have caused this Assignment to be executed under proper authority:

ASSIGNEE:
SHERMAN INDEPENDENT SCHOOL DISTRICT

BY: 
Tim Millerick, Board President

ASSIGNOR:
CITY OF SHERMAN, TEXAS

BY: 
David Plyler, Mayor

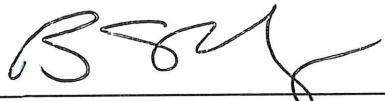
ATTEST:

BY: 
Lynn Mitchusson, Board Secretary

ATTEST:

BY: 
Linda Ashby, City Clerk

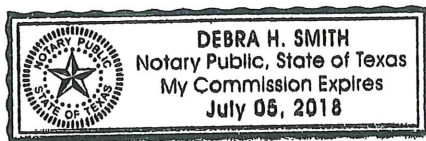
APPROVED AS TO FORM:

BY: 
Brandon S. Shelby, City Attorney

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **DAVID PLYLER, MAYOR OF THE CITY OF SHERMAN, TEXAS**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this 21st day of March, 2017 A.D.

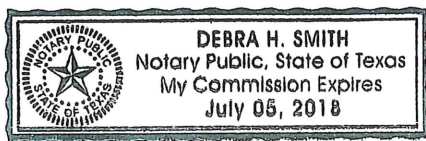



Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **TIM MILLERICK, PRESIDENT OF THE SHERMAN INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this 26th day of March, 2017 A.D.




Notary Public, State of Texas

STATE OF TEXAS §
 April 3, 2017
COUNTY OF GRAYSON §

BE IT REMEMBERED THAT A Regular Meeting of the City Council of the City of Sherman, Grayson County, Texas was begun and held in the Council Chambers of City Hall on April 3, 2017.

MEMBERS PRESENT: MAYOR DAVID PLYLER.
 COUNCIL MEMBERS BROWN, COUCH, HOWETH, STEELE,
 TEAMANN.

MEMBERS ABSENT: DEPUTY MAYOR JASON SOFEY.

CALL TO ORDER

Mayor Plyler called the meeting to order at 5:00 p.m. The Pledge of Allegiance and Invocation were given by Council Member Kevin Couch.

CALL TO ORDER

APPROVE MINUTES

The Council reviewed the Minutes of the Regular City Council Meeting of March 20, 2017. Council Member Howeth moved to approve the Minutes as presented; Second by Council Member Teamann. All present voted AYE.
MOTION CARRIED.

APPROVE MINUTES

SPECIAL PRESENTATION

THE SHERMAN POLICE DEPARTMENT'S PRESENTATION OF A CITIZENS CERTIFICATE OF MERIT TO CROSSFIT SOLUS

Zachary Flores, Police Chief, presented a Citizens Certificate of Merit to Dustin Suitors, CrossFit Solus, in recognition of their contributions to the Police Department's Bike Program. Mr. Suitors is also a Sherman Police Officer.

CITIZENS CERTIFICATE
OF MERIT

Chief Flores said the Bike Program had almost become nonexistent for several years, due to both manpower and lack of equipment. CrossFit Solus became aware of the Department's intention to reestablish the Bike Program.

They organized an event and received donations from businesses and patrons for the purchase of six bicycles for the Department's Bike Program. Chief Flores recognized CrossFit Solus for their efforts to provide much needed resources for the program.

PROCLAMATION

"CHILD ABUSE PREVENTION AND AWARENESS MONTH" – APRIL 2017

Council Member Couch presented a proclamation to Britney Martin, Executive Director of the Children's Advocacy Center, designating April 2017 as "Child Abuse Prevention and Awareness Month."

CHILD ABUSE
PREVENTION &
AWARENESS MONTH
(APRIL 2017)

Ms. Martin thanked the City for the partnership they have with the Children's Advocacy Center, adding that child abuse is a community-wide problem. She encouraged Council Members

COUNCIL MINUTES – APRIL 3, 2017

to wear a blue pin to encourage awareness of child abuse. Citizens should be encouraged to report any suspected child abuse.

“SEXUAL ASSAULT AWARENESS MONTH” – APRIL 2017

Council Member Steele presented a proclamation to Shelli Shields, Interim Director of the Crisis Center and Jordan Stewart, Volunteer Coordinator of the Crisis Center, designating April 2017 as “Sexual Assault Awareness Month.”

**SEXUAL ASSAULT
AWARENESS MONTH
(APRIL 2017)**

Ms. Shields said they appreciate the support of the City of Sherman in recognizing “Sexual Assault Awareness Month.” April 26, 2017 is “Denim Day” as a symbol of the destructive attitudes about sexual assault.

She thanked the City Council for their time and support.

“NATIONAL LIBRARY WEEK” – APRIL 9-15, 2017

Mayor Plyler presented a proclamation to Melissa Eason, Library Services Administrator, designating April 9 through 15, 2017 as “National Library Week.”

**NATIONAL LIBRARY
WEEK
(APRIL 9-15, 2017)**

Ms. Eason outlined various activities that will be held during “National Library Week.” She thanked the City Council for renovations that are being made to the Library, saying next year, they will look different.

CONSENT AGENDA

The Council reviewed the Consent Agenda. Council Member Couch moved to approve the Consent Agenda, as presented. Second by Council Member Steele. All present voted AYE.

CONSENT AGENDA

RESOLUTIONS

**RESOLUTION NO. 6205 – SUSPENDING THE APRIL 21, 2017
EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY
COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE
CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING COOPERATION WITH
THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR
TO HIRE LEGAL AND CONSULTING SERVICES AND TO
NEGOTIATE WITH THE COMPANY AND DIRECT ANY
NECESSARY LITIGATION AND APPEALS; REQUIRING
NOTICE OF THIS RESOLUTION TO THE COMPANY AND
LEGAL COUNSEL FOR THE STEERING COMMITTEE**

**RES 6205
ONCOR RATE CHANGE**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SHERMAN, TEXAS, SUSPENDING THE APRIL 21, 2017
EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY
COMPANY’S REQUESTED RATE CHANGE TO PERMIT THE
CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING COOPERATION WITH
THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR
TO HIRE LEGAL AND CONSULTING SERVICES AND TO
NEGOTIATE WITH THE COMPANY AND DIRECT ANY**

NECESSARY LITIGATION AND APPEALS; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

Brandon Shelby, City Attorney, said this resolution suspends the effective date of Oncor's requested rate increase for 90 days to give the cities in the Steering Committee time to review the rate and decide whether or not they want to challenge it.

ACTION TAKEN.

Motion by Council Member Teamann to adopt Resolution No. 6205, as presented. Second by Council Member Couch.

VOTING AYE: Brown, Couch, Howeth, Steele, Teamann.

VOTING NAY: None.

MOTION CARRIED.

RESOLUTION NO. 6206 – AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE ENGINEERING DESIGN AND SERVICES FOR REPAIR OF THE SOUTH TRAVIS STREET BRIDGE OVER POST OAK CREEK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE ENGINEERING DESIGN AND SERVICES FOR REPAIR OF THE SOUTH TRAVIS STREET BRIDGE OVER POST OAK CREEK.

CONSENT AGENDA.

RES 6206
SOUTH TRAVIS
STREET BRIDGE

RESOLUTION NO. 6207 – AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ELITE SIX, LLC FOR THE 2017 CITY RIGHT-OF-WAY ROUGH MOWING PROGRAM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AWARDING A BID TO AND AUTHORIZING EXECUTION OF A CONTRACT WITH ELITE SIX, LLC FOR THE 2017 CITY RIGHT-OF-WAY ROUGH MOWING PROGRAM.

CONSENT AGENDA.

RES 6207
ROW ROUGH
MOWING PROGRAM

**REQUEST TO ADVERTISE
ROUTE OPTIMIZATION SOFTWARE**

The City Council approved the request to advertise for the solicitation of public bids for the purchase and implementation of route optimization software. The system would reduce associated drive-time and costs as it relates to man hours, fuel, vehicle maintenance and other services.

The software would initially be used by the Residential Solid Waste, Commercial Solid Waste, and Recycling Departments. The estimated cost of \$65,000 was approved by the City Council in the FY 2016-2017 Budget.

CONSENT AGENDA.

REQ TO ADVERTISE
ROUTE OPTIMIZATION
SOFTWARE

ANNUAL REQUIREMENTS FOR JANITORIAL SERVICES IN CERTAIN CITY-OWNED FACILITIES

JANITORIAL SERVICES

The City Council approved the request to advertise for janitorial services for certain City-owned facilities. In the past, the City has contracted for janitorial services for several City facilities. The current agreement expires at the end of May 2017.

The following buildings would be included in the agreement: Sherman Public Library, Police Department, Municipal Airport, Utilities Laboratory, Senior Citizen Center, City Hall, Parks and Recreation Activity Center, Sherman Municipal Building, the Glennie O. Ham Center (Parks and Recreation Administrative Offices, and the Equipment Services Building.

CONSENT AGENDA.

OTHER BUSINESS

RECEIVE A PRESENTATION FROM FORMER MAYOR CARY WACKER REGARDING EFFORTS TO ESTABLISH A STATE-SANCTIONED CULTURAL DISTRICT IN DOWNTOWN SHERMAN

**DOWNTOWN
CULTURAL
DISTRICT**

Nate Strauch, Community and Support Services Manager, said in January, a group of Austin College JanTerm Students presented a report to the City Council about arts and culture in Sherman. The staff is moving forward with plans to establish a State-sanctioned Cultural District in the community.

The Cultural District would provide a number of benefits such as opening up some grant money that is currently not available. The Council would be required to establish a Sherman Cultural Commission, which would serve as the steering group for the District. Eventually the City plans to outsource some of the grant decision making duties to this Commission, including who receives the grants and the amount they receive.

He also outlined the timeline for the project saying a resolution will be presented at the next City Council Meeting to create the Cultural District and will state the Council's intention to support making that a State-sanctioned Cultural District. Then in May, the Council will create the Cultural Commission.

Cary Wacker, former Mayor and Austin College Associate Vice President for Institutional Advancement and Director of the Center for Community & Regional Development, thanked Mr. Strauch and Steve Ayers, Director of Public Services, who have worked behind the scenes to keep this initiative moving forward.

She said as the Austin College students researched the project earlier this year, they found that Sherman has an amazing story to tell. There are many cultural offerings, events, and stories that are unique to Sherman.

COUNCIL MINUTES – APRIL 3, 2017

She said with the growth based momentum that is going on in Sherman, now is the prime time to package these resources and give them new life for a future generation.

Ms. Wacker said the Cultural District Program will take advantage of recent successes such as the Downtown Streetscape Project and the Main Street Program, and will help create a true destination package for Sherman that includes events and performance venues.

She said the Cultural District should also encourage business and job development, will increase property values, and will enhance the current tourist destinations, while also creating new ones. She added that cultural tourism is “big business in Texas.”

The “State of the Arts 2017 Report” in Texas said, in Sherman specifically, there were 600 total direct jobs in the travel industry in 2015.

Ms. Wacker said the goal is to touch the hearts and lives of Sherman citizens as well as visitors to the community. She said Sherman is a very special place, both with natives that were born here and non-natives that have chosen to live here because it is a warm and caring community, and a culturally rich community. The Cultural District is extremely important to sustain Sherman’s legacy and share it with both local citizens and visitors.

Ms. Wacker said there are several steps to create this Cultural District, including a Town Hall Meeting, which has been set for April 25, 2017. They also plan to have a citizen survey to gather input.

Previous activities have also helped compile information for submission including a grant application to the National Endowment for the Arts in 2014, a visioning exercise in 2015, and the JanTerm Project in 2017. She said these projects have provided a snapshot of what people want and value in Sherman. The application will be delivered in Austin by June 15, 2017.

Ms. Wacker said a Public Administration Symposium will be held at Austin College on April 5, 2017, featuring Jim Bob McMillan as Keynote Speaker. Mr. McMillan is the Deputy Director of the Texas Commission on the Arts. Mr. McMillan will also tour the proposed Cultural District boundaries and advise them on the application process.

Council Member Couch thanked Ms. Wacker for all the work she has done on the project. He asked about the type of grants that might be available with the Cultural District designation.

Ms. Wacker said the Texas Commission on the Arts did have some funding from the State, even though during this current

budget year, some of the funds are “in limbo.” The funding would be for specific projects, and would either support events or venues in the designated Cultural District. She said about six or seven cities are selected to participate each year, with 35 cities participating to date.

State Representative Larry Phillips was the legislator that crafted the bill creating the Texas Cultural District Program.

Council Member Couch verified that Main Street Cities and Cultural Districts seem to parallel each other. Ms. Wacker said Main Street is focused a lot on job development, architecture, and preservation of buildings. The Cultural District is focused on activities and preserving, sustaining, and marketing the community.

Council Member Couch asked if the available grants were mostly private dollars or taxpayer dollars. Ms. Wacker said there are some private dollars, but the ones coming through the Texas Commission on the Arts are State tax dollars.

Ms. Wacker added that they are applying for those tax dollars and hope they will be available, however there will still be value even if the money is limited at first.

Council Member Teamann asked if they would be more likely to receive the grants if the City is showing support for the project. Ms. Wacker said the application actually requires support from both the City of Sherman and Grayson County. She said they would also need a person to manage the program but that could be achieved by a current staff person.

Robby Hefton, City Manager, asked if the proposal has been submitted to the County Judge yet for their support. Ms. Wacker said that is the next step.

CONSIDER REQUEST OF THE UNITED WAY OF GRAYSON COUNTY TO TEMPORARILY CLOSE CERTAIN STREETS FOR THE “8TH ANNUAL UNITED WAY HUSTLE FOR HEALTH” ON SATURDAY, AUGUST 19, 2017

The City Council approved the request of United Way of Grayson County to temporarily close certain streets for the “8th Annual United Way Hustle for Health” on August 19, 2017.

The event will require traffic control assistance and cones along the race route, as well as labor to place and remove the barricades and cones. They have also requested closure of Rusk Street in front of the Municipal Building from 8:00 a.m. until 9:00 a.m.

CONSENT AGENDA.

CITIZENS REQUESTS

CREEK ISSUES AND BRANCH ON POWER LINE

Amanda Machin, 4500 Luella Road, said her house caught on fire last year and there is still a branch hanging on a power

CLOSE STREETS
UNITED WAY “HUSTLE
FOR HEALTH”
(AUG. 19, 2017)

CREEK ISSUES &
BRANCH ON
POWER LINE

line. She said she has contacted the City for two years. There are also problems with the creek at 629 S. Montgomery.

Mayor Plyler said the staff will take a look at the situation.

REPORT OF SEXUAL ASSAULT

Ms. Machin also asked if there was another source available for a person dealing with sexual assault that happens outside of Texas. She has contacted the Grayson County Judge and the Police Department to get help. She said she was sexually assaulted recently in Oklahoma and was having trouble getting help.

Ms. Machin said the Police Department directed her to contact the Police Department in the town where she was assaulted. She said she did not know how to find a creditable witness in the unfamiliar town.

Mr. Shelby said if she was “under eminent threat” she could contact the local Crisis Center, even though the crime happened in Oklahoma.

MEDIA QUESTIONS

There were no media questions.

COUNCIL COMMENTS

ISSUANCE OF PROCLAMATIONS

Council Member Teamann said he enjoyed the proclamations and it was always good to create awareness for the issues. He thanked the different groups that attended the meeting tonight.

REPORT OF SEXUAL ASSAULT

Council Member Teamann said he appreciated that Ms. Machin was willing to tell her story in front of a crowd and said there were people in the community that could help her.

CULTURAL DISTRICT

Council Member Teamann thanked Ms. Wacker for her work with the Cultural District and the grant process. He thanked her for trying to raise awareness for the project. He said it was exciting for Sherman.

MOBILE FOOD VENDORS

Council Member Steele felt that the Council might need to revisit the recently passed food truck ordinance. One concern that he heard was about the Band Boosters, who generate their revenue from serving food at the athletic games. With the current ordinance, a food truck could take up multiple parking spaces around Bearcat Stadium to sell food.

Mr. Strauch said any on-street parking is still disallowed for food trucks. After 5:00 p.m. on Fridays, they could park on

**REPORT OF
SEXUAL ASSAULT**

MEDIA QUESTIONS

**ISSUANCE OF
PROCLAMATIONS**

**REPORT OF
SEXUAL ASSAULT**

CULTURAL DISTRICT

**MOBILE FOOD
VENDORS**

the Municipal Building Parking Lot. Council Member Steele felt they might want to discuss “carving out” a space where food trucks could park.

REPORT OF SEXUAL ASSAULT

Council Member Brown said he appreciated Ms. Machin coming forward to discuss the sexual assault. He encouraged her to keep talking and keep pushing to get answers.

**REPORT OF
SEXUAL ASSAULT**

ANNOUNCEMENTS

Mayor Plyler announced the following:

- Craft the Night Away will be held in Downtown Sherman on April 8, 2017. Tickets are available at downtownsherman.com.
- Keep Sherman Beautiful will host its Annual Let’s Talk Trash Litter Pick-up on April 8, 2017, and will disperse throughout the City to clean up the community.
- The Parks and Recreation Department will sponsor a communitywide Easter Celebration on April 15, 2017, at Kidd-Key Park. The event will feature a petting zoo, music, and many activities for children.

ANNOUNCEMENTS

EXECUTIVE SESSION – IN ACCORDANCE WITH CHAPTER 551, GOVT. CODE, V.T.C.S., (OPEN MEETINGS LAW)

THE CITY COUNCIL WILL NOW HOLD AN EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF THE OPEN MEETINGS LAW, CHAPTER 551, GOVERNMENT CODE, VERNONS TEXAS CODES ANNOTATED, IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN THE FOLLOWING SECTIONS.

EXECUTIVE SESSION

SECTION 551.071	CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION
SECTION 551.087	DELIBERATE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: DELIBERATE REGARDING COMMERCIAL OR FINANCIAL INFORMATION THAT THE CITY HAS RECEIVED FROM A BUSINESS PROSPECT AND DELIBERATE ANY OFFERS OR INCENTIVES TO THE BUSINESS PROSPECT

No Executive Session was needed.

COUNCIL MINUTES – APRIL 3, 2017

ADJOURNMENT

On Motion duly made and carried, the meeting adjourned at 5:42 p.m.

ADJOURNMENT

MAYOR _____

CITY CLERK



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

B.1.

Meeting Date: 04/17/2017

Prepared By: Linda Ashby, City Clerk

Approved By: Robby Hefton, City Manager

Caption:

PROCLAMATION

"Texoma Earth Day" -- April 22, 2017

Issue:

The 9th Annual Earth Day Festival will be held on Saturday, April 22, 2017 from 9:00 a.m. until 5:00 p.m. on the Sherman Municipal Grounds. The Texoma Earth Day Festival Planning Committee has requested a proclamation to publicize the event.

Background:

Earth Day was originally founded in 1970 and is intended to inspire awareness and appreciation for the Earth's natural environment. It is celebrated annually in April and corresponds to the beginning of Spring.

Origination:

The request for the proclamation originated with the Texoma Earth Day Festival Planning Committee.

Financial Consideration:

There is no financial consideration to the request.

Staff Recommendation:

It is the staff recommendation that a proclamation be presented designating April 22, 2017 as "Texoma Earth Day" in Sherman.

Alternatives:

The Council could choose not to present the proclamation.

Attachments

"Texoma Earth Day" Proclamation

Proclamation

WHEREAS, all people in the global community have a moral right to a healthy, sustainable environment with economic growth, and

WHEREAS, human activities around the world are causing severe environmental damage that threatens human health and our planet's ability to sustain a diverse community of life, and

WHEREAS, the citizens of the global community must step forward and take action to create a green economy that lives in harmony with the environment, and

WHEREAS, local communities can do much to reverse environmental degradation and contribute to building a healthy society by addressing issues such as energy use, transportation, waste prevention, and litter control, and

WHEREAS, there are sound economic, environmental, and social reasons for local governments to initiate energy efficiency and renewable energy practices, and

WHEREAS, the Texoma Earth Day Festival will be held on April 22, 2017 on the Municipal Building Grounds and will feature programs and activities where ordinary people will learn practical things to improve the health of the planet and to enhance the community's natural environment.

NOW THEREFORE, I, David Dwyer, Mayor of the City of Sherman, Texas, by the authority vested in me, do hereby proclaim April 22, 2017

TEXOMA EARTH DAY

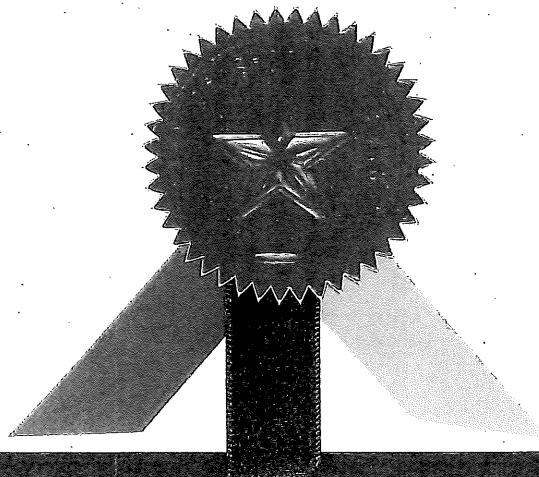
in the City of Sherman and encourage all citizens, businesses, and institutions to use this day to celebrate the Earth and commit to building a sustainable society.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sherman to be affixed this the 17th day of April, 2017.

Mayor

ATTEST:

Linda Ashby
City Clerk





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.1.

Meeting Date: 04/17/2017

Prepared By: Clint Philpott, Director of Engineering

Approved By: Robby Hefton, City Manager

Caption:

PUBLIC HEARING

Conduct the First Public Hearing Concerning the Annexation of a 459.6 Acre Tract of Land on Preston Club Drive, Adjacent to the Sherman City Limits and in the City of Sherman's Extra Territorial Jurisdiction

Issue:

To conduct the first public hearing concerning the annexation of a 459.6 acre tract of land on Preston Club Drive, south of U.S. Highway 82 and west of Highway 289 (Heritage Parkway), adjacent to the Sherman City Limits, and in the City's extra territorial jurisdiction (ETJ), in accordance with state law and the City Charter

Background:

It is the City's intention to annex specifically identified individual areas in the City's ETJ, in accordance with state law and the City Charter. At its March 20th meeting, the City Council approved the schedule for annexation of this property, which sets this public hearing, a second public hearing for the May 1st regular Council meeting, and introduction and adoption of the Ordinance to annex the subject property at the May 22nd called Council meeting.

The annexation area includes 331 individual tracts of land. Property owners of 259 of those 331 properties have signed the annexation petition, meaning we have received a petition for 78% of the properties.

Origination:

Petition from Preston Club property owners

Financial Consideration:

The additional property taxes raised from this annexation are estimated at about \$90,000.00 annually, which approximates the estimated costs associated with providing general City services.

Staff Recommendation:

It is recommended that the City Council conduct its first public hearing concerning the possible annexation of this property.

Alternatives:

As directed by the City Council

Attachments

Annexation Schedule

Surveyor's Field Notes

Municipal Service Plan

Location Map

ANNEXATION SCHEDULING PLAN

Annexation of
Northern Challenge, Phase I – Vol. 19, Pg. 86-87
Preston Club – Vol. 10, Pg. 58- 58A
Preston Club The Classics, Phase Two – Vol. 14, Pg. 72
Preston Club The Classics, Phase Three – Vol. 19, Pg. 46-47
Preston Club The Classics – Phase Four – Vol. 20, Pg. 144-147
Preston Club The Legends Subdivision Phase One – Vol. 9, Pg. 85
Preston Club The Legends Subdivision Phase Two – Vol. 10, Pg. 31
Preston Club The Legends, Phase 3 – Vol. 17, Pg. 4

Also included is the adjacent golf course which lies within the McMullen & McGoin Survey, Abstract No. 762, the Daniel Bickenback Survey, Abstract No. 128, & the Henry Douglas Survey, Abstract No. 368

Wednesday, April 5, 2017.....Send written notice to property owners in the area to be annexed, public or private entities that provide services in that area, and any railroads with a right of way in the area to be annexed. The Department of Engineering Services will prepare a service plan that details the specific Municipal Services that will be provided to the area after it is annexed.

Thursday, April 6, 2017.....Post notice on City's website, newspaper and City Hall for City Council's 1st Public Hearing on intent to annex. Send written notice to each public school district in the area to be annexed. Send by certified mail a second written notice to any railroads with a right of way in the area to be annexed. Obtain required affidavit of publication from newspaper.

Thursday, April 13, 2017..... Post notice of 1st Public Hearing under the Open Meetings Act.

Monday, April 17, 2017.....City Council's 1st Public Hearing on intent to annex and service plan.* (Regular Council Meeting)

Thursday, April 20, 2017 Post notice on City's website, newspaper and City Hall for City Council's 2nd Public Hearing on intent to annex. Obtain required affidavit of publication from newspaper.

Thursday, April 27, 2017..... Post notice of 2nd Public Hearing under the Open Meetings Act.

Monday, May 1, 2017..... City Council's 2nd Public Hearing on intent to annex and service plan.* (Regular Council Meeting)

Thursday, May 18, 2017.....Post notice on City's website, newspaper and City Hall for introduction of annexation ordinance and adoption of the ordinance. Posting will also be in compliance with the Open Meetings Act.

Monday, May 22, 2017.....City Council Public Hearing for introduction and consideration of adoption of annexation ordinance. (Called Council Meeting**)

* If more than twenty (20) adults who are residents of the area to be annexed protest within ten (10) days of the notice by publication, then one (1) of the public hearings must be held in the area to be annexed.

** Called Council meeting to meet statutory requirement that the two public hearings be held no more than 40 days and no less than 20 days prior to adoption of Ordinance



Legal Description

Situated in the County of Grayson, State of Texas, being a part of the McMullen and McGloin Survey, Abstract No. 762; Daniel Bickenbach Survey, Abstract No. 128; Henry L. Douglas, Abstract No. 368; J. M. Thomas Survey, Abstract No. 1234; W. A. Warner Survey, Abstract No. 1353 and the J. K. Miller Survey, Abstract No. 819, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point in the intersection of the south right-of-way line U. S. Highway No. 82 and the west line of said McMullen and McGloin, Abstract No. 762;

Thence North 88°23'29" East with said south right-of-way a distance of 1761.39 feet to a point;
Thence with a non-tangent curve to the right having a radius of 250.06 feet, (chord bears South 11°38'08" West, 114.66 feet) an arc length of 115.69 feet to the northeast corner of Lot 1, Preston Club, The Legends, Phase 3, an addition to the County of Grayson as recorded in Volume 17, Page 4, Plat Records, Grayson County, Texas;

Thence South 36°43'07" East with the east line of said Lot 1, a distance of 171.22 feet to a point;
Thence South 57°36'06" West with the south line of said addition, a distance of 1022.63 feet to the southwest corner of Lot 15 of said Addition, a point in the east line of Lot 1, Block 10, Preston Club, the Legends, Phase Two, an addition to the County of Grayson as recorded in Volume 10, Page 31, Plat Records, Grayson County, Texas;

Thence with the east line of said addition the following calls and distances:

South 20°46'07" East a distance of 29.05 feet to a point;
South 04°46'46" West a distance of 189.21 feet to a point;
South 29°28'58" West a distance of 678.55 feet to a point;

Thence South 40°50'30" East a distance of 258.57 feet to a point;

Thence with a curve to the right having a radius of 1116.00 feet, (chord bears South 32°22'17" East, 328.76 feet) an arc length of 329.96 feet to a point;

Thence with a compound curve to the right having a radius of 1116.00 feet, (chord bears South 21°20'01" East, 99.97 feet) an arc length of 100.00 feet to a point;

Thence with a reverse curve to the left having a radius of 722.08 feet, (chord bears South 23°07'29" East, 109.74 feet) an arc length of 109.85 feet to a point;

Thence South 27°29'00" East a distance of 104.71 feet to a point;

Thence with a curve to the left having a radius of 553.73 feet, (chord bears South 43°16'31" East, 301.39 feet) an arc length of 305.24 feet to a point;

Thence South 59°04'00" East a distance of 106.08 feet to a point;

Thence with a curve to the right having a radius of 781.94 feet, (chord bears South 46°08'28" East, 349.84 feet) an arc length of 352.82 feet to the northwest corner of Lot 29, Block 2, Preston Club, The Classics, Phase Three, an addition to the County of Grayson as recorded in Volume 19, Page 46, Plat Records, Grayson County, Texas;

Thence with the east line of said addition the following calls and distances:

North 88°05'34" East a distance of 431.89 feet to a point;
North 80°59'51" East a distance of 223.00 feet to a point;
North 89°30'09" East a distance of 282.81 feet to a point in the east line of a 5.5 acre

tract of land conveyed to Dennis A. Stangel as recorded in Volume 2238, Page 418, Deed Records;

Thence South 01°48'46" East a distance of 174.18 feet to the southwest corner of said 5.5 acre tract;

Thence North 89°15'06" East a distance of 444.28 feet to the southerly southeast corner of said 5.5 acre tract;

Thence North 01°46'58" West a distance of 415.41 feet to an ell corner in said 5.5 acre tract;

Thence North 89°11'03" East a distance of 1072.95 feet to a point in the west right-of-way line of State Highway 289;

Thence South 02°51'30" East with the west line of State Highway 289 a distance of 1546.62 feet to a point;
Thence South 89°11'03" West a distance of 250.16 feet to a point;
Thence South 02°51'30" East a distance of 67.02 feet to a point;
Thence South 83°26'47" West a distance of 203.81 feet to a point;
Thence with a curve to the left having a radius of 850.00 feet, (chord bears South 81°10'54" West, 67.18 feet) an arc length of 67.20 feet to a point;
Thence with a compound curve to the left having a radius of 850.00 feet, (chord bears South 76°13'14" West, 79.97 feet) an arc length of 80.00 feet to a point;
Thence with a compound curve to the left having a radius of 850.00 feet, (chord bears South 64°56'02" West, 253.93 feet) an arc length of 254.88 feet to a point;
Thence with a reverse curve to the right having a radius of 1630.00 feet, (chord bears South 63°35'24" West, 411.21 feet) an arc length of 412.30 feet to a point;
Thence South 01°40'15" East a distance of 3211.46 feet to a point;
Thence South 88°32'28" West a distance of 367.84 feet to the southwest corner of said J. K. Miller Survey;
Thence North 01°40'45" West with the west line of said J. K. Miller Survey, a distance of 1490.00 feet to the southeast corner of said Henry L. Douglas Survey;
Thence North 89°05'38" West with the south line of said Henry L. Douglas Survey, a distance of 3601.62 feet to the southwest corner of said Henry L. Douglas Survey;
Thence North 00°06'49" West a distance of 931.70 feet to a point;
Thence North 00°57'18" West a distance of 823.47 feet to a point;
Thence North 01°29'24" West a distance of 961.97 feet to a point;
Thence North 01°24'23" West a distance of 1006.04 feet to a point;
Thence North 88°53'00" East a distance of 301.36 feet to the southwest corner of that 16.641 acre tract of land as recorded in Volume 2338, Page 535, Deed Records, Grayson County, Texas;
Thence North 01°30'39" West with the west line of said 16.641 acre tract a distance of 957.69 feet to the northwest corner of said 16.641 acre tract;
Thence North 88°47'13" East with the north line of said 16.641 acre tract, a distance of 756.79 feet to the northeast corner of said 16.641 acre tract;
Thence North 01°30'39" West with the west line of said McMullen and McGloin Survey, a distance of 1447.70 feet to the Point of Beginning and containing 459.6 acres of land.

City of Sherman Municipal Service Plan Preston Club

INTRODUCTION:

The annexation is the site of approximately 459.6 acres southwest of U.S. Highway 82 and S.H. 289 and include Preston Club Drive, Roberts Run, and Champions Drive, lying adjacent to the City of Sherman existing city limits.

This annexation is a step in the process of providing for the orderly growth and development of the City, to protect the City from substandard development and to provide for the enlargement of the city limits by including developments and improvements that are logically a part of the City and receive city utilities.

MUNICIPAL SERVICES TO BE PROVIDED:

POLICE PROTECTION: Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment will be provided on the effective date of annexation.

FIRE PROTECTION: Fire protection by the present personnel and equipment of the fire fighting force will be provided on the effective date of annexation.

SOLID WASTE: The same solid waste collection and disposal service now provided within the City of Sherman will be extended to the annexed area on the effective date of annexation.

BULK WASTE PICKUP: Free monthly bulk trash and brush pickup would be available on the effective date of annexation.

STREETS AND BRIDGES: All roads shall be accepted in current as-is conditions and shall be maintained by the current Homeowners Association. Any future streets or improvements will be developed by the standard provisions of the Developer's Ordinance with future maintenance by the City of Sherman. Street lighting will be established according to city guidelines.

PARKS: No public parks exist in the area to be annexed. Any new park facilities will be developed according to existing City policies as applicable to all city residents.

CONSTRUCTION INSPECTIONS: Building inspection activities will be available upon annexation.

ENVIRONMENTAL HEALTH AND HEALTH CODE ENFORCEMENT: Enforcement of the City's environmental health ordinances and regulations shall be provided within this area on the effective date of the annexation ordinance.

ANIMAL CONTROL: Animal control services will be provided by the City on the effective date of annexation.

PLANNING AND ZONING: The Planning and Zoning jurisdiction of the City will extend to this area on the effective date of this annexation. All areas will be annexed as an R-A on the effective date of the annexation ordinance.

CAPITAL IMPROVEMENTS:

WATER SERVICE: The City of Sherman is in the process of obtaining a CCN at this time. Upon receiving the CCN and completion of the annexation, the City of Sherman will perform the following water utility improvements:

Phase I:

- Extend water mains to development according to existing City policy

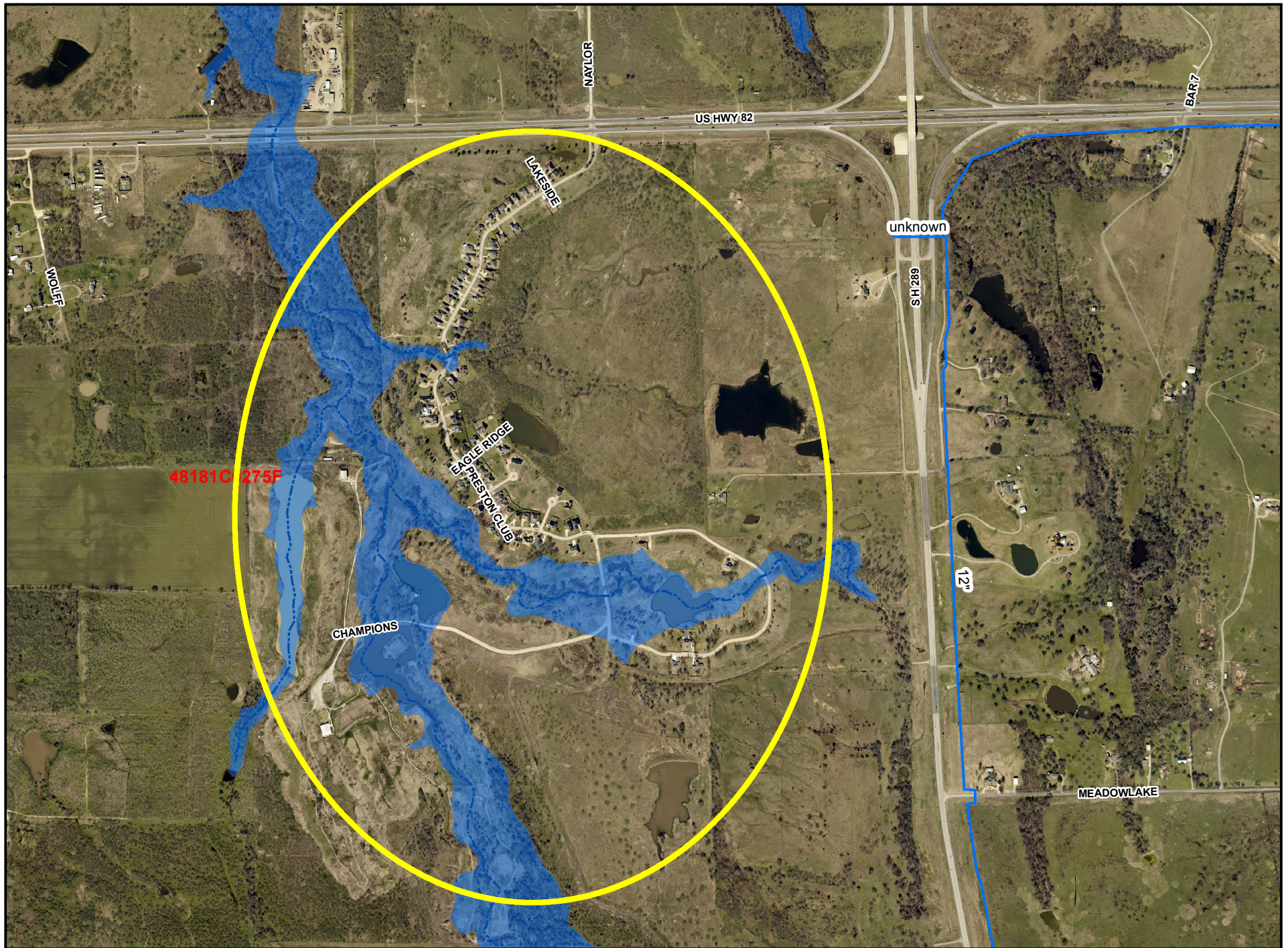
Phase II:

- Install fire hydrants in accordance with City of Sherman Subdivision Ordinance requirements and Sherman Fire Department practices

SEWER SERVICE: The City of Sherman is in the process of obtaining a CCN at this time. Upon receiving the CCN and completion of the annexation, the City of Sherman will perform the following sewer utility improvements:

- Construct new sewer lift station North of U.S. Highway 82
- Extend gravity sewer line to tie development into new lift station.

Preston Club Annexation



1 inch = 1,000 feet





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.2.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6021 (UNDER APPEAL FROM P&Z)

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres (Graham Mortgage Corporation, Owners; Michael R. Coker Company, Representative; and Archon Corporation, Architect)

Issue:

To consider the appeal of Graham Mortgage Corporation (Owners), Michael R. Coker Company (Representative) and Archon Corporation (Architect) concerning the property located in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres, for a zone change from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District

Background:

The property is located in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), the southwest corner of Quail Run Road and South F.M. 1417. The owners would like to change the zoning on the property to an R-2 (Multi-Family Residential) District. The conceptual site plan consists for the development of ten (10) buildings, each with 30 dwelling units for a total of 300 apartment units with a mix of one and two family apartments.

At the March 21, 2017 Planning and Zoning Commission Meeting, Michael Coker represented Graham Mortgage Corporation requesting a zone change from a C-1 (Retail Business) District to an R-2 (Multi-Family Residential) District. After hearing the opposition in regard to the incompatibility of the proposed use from the neighborhood based on safety and property values, but also that it is not compliant with the Master Plan, the Planning and Zoning Commission voted 6/0 to deny the zone change and conceptual site plan for an apartment complex in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway).

Origination:

Graham Mortgage Corporation (Owners)
Michael R. Coker Company (Representative)
Archon Corporation (Architect)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2017 regular meeting, the Planning and Zoning Board voted 6/0 to deny the request based on the concerns from the neighborhood regarding safety and property values and that it is not compliant with the Master Plan.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6021
Letter to Appeal
Location Map
Zoning Map
Zoning Sign Photo
Site Plan
Conceptual Site Plan
Conceptual Elevations
P&Z Communication
Staff Review Letter
Letter from Robert Wanda Breashears
Letter form Kristy Douglas

ORDINANCE NO. 6021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 12, ORDINANCE NO. 2280, SO AS TO INCLUDE CERTAIN PROPERTIES WITHIN THE R-2 (MULTI-FAMILY RESIDENTIAL) DISTRICT IN THE 3800-4000 BLOCKS OF QUAIL RUN ROAD AND THE 1100-1300 BLOCKS OF SOUTH F.M. 1417 (HERITAGE PARKWAY), BEING LOT 2, BLOCK A, COUNTRY RIDGE ESTATES NO. 10, CONTAINING 26.078 ACRES (GRAHAM MORTGAGE CORPORATION, OWNERS; MICHAEL R. COKER COMPANY, REPRESENTATIVE; AND ARCHON CORPORATION, ARCHITECT); PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That, from and after the passage of this ordinance, the following described property shall be in the R-2 (Multi-family Residential) District in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), and that Section 12, Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 2, Block A, Country Ridge Estates No. 10

SECTION 2. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 12, Ordinance No. 2280.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2017.

ADOPTED on this the _____ day of _____, 2017.

EFFECTIVE DATE on this the _____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

Michael R. COKER Company

3111 Canton Street
Suite 140
Dallas, Texas 75226



RECEIVED

MAR 22 2017

March 22, 2017

Sherman City Council
% City Secretary
City of Sherman City Hall
220 W. Mulberry Street
PO Box 1106
Sherman, Texas 75091

Re: Appeal of Planning and Zoning Commission denial of an application to rezone property located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks of South FM 1417 (Heritage Parkway), being lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres of land.

Dear City Secretary,

We hereby appeal the decision of the City of Sherman Planning and Zoning Commission pertaining to the above listed case [Item No. 5 on the Sherman Planning and Zoning Commission's March 21, 2017 agenda] to the Sherman City Council.

Please advise when the application will be heard by the Sherman City Council.

Sincerely;

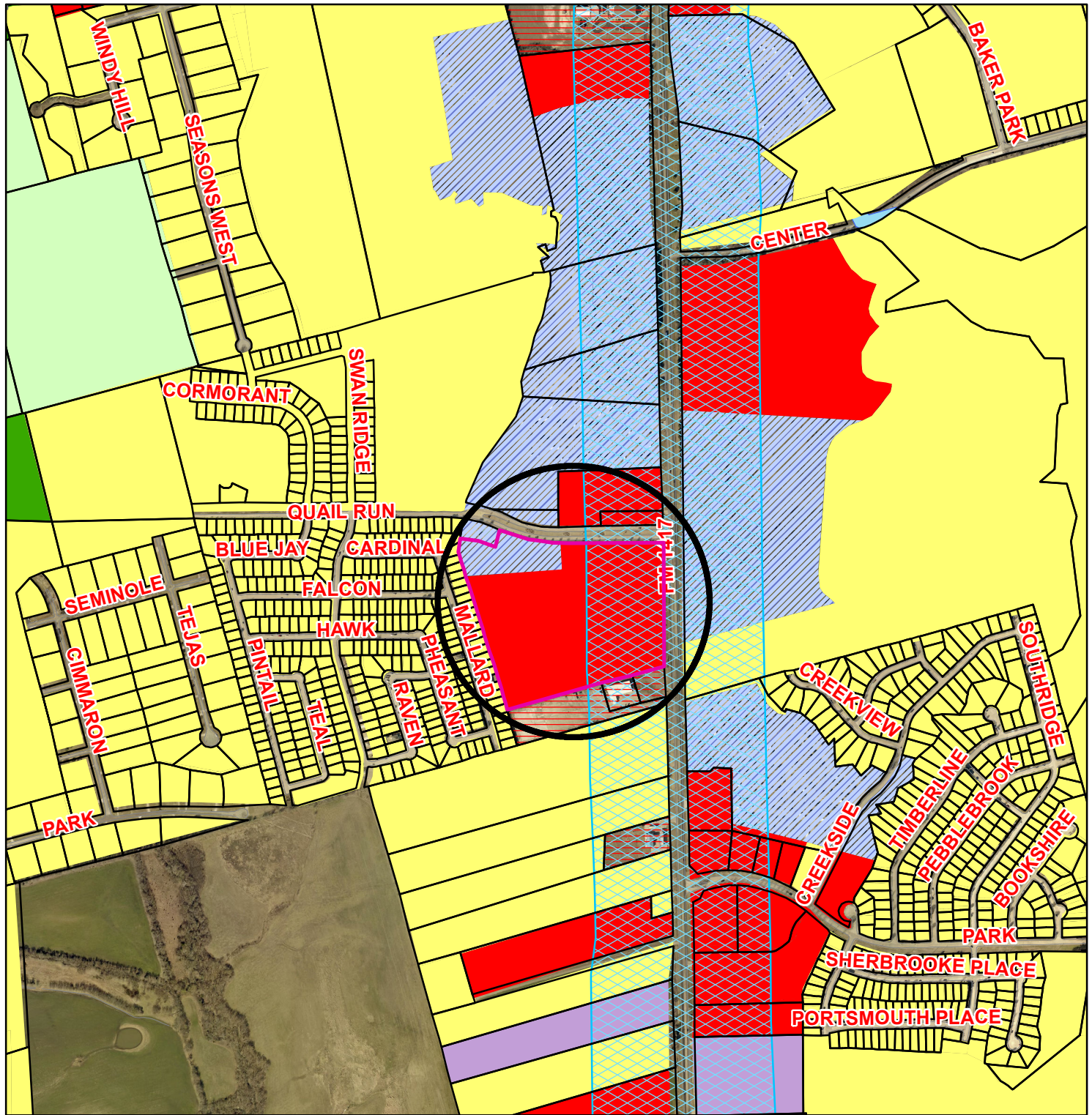
Michael R. Coker, AICP CBO
214.821.6105
mrcoker@cokercompany.com



**3800-4000 Blks. Quail Run Rd &
1100-1300 Blks. S. FM 1417 (Heritage Parkway)**



1 in = 2,000 ft



Zoning - 3800-4000 Blks. Quail Run Rd & 1100-1300 Blks. S. FM 1417 (Heritage Parkway)

Legend

Special Districts Overlay

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor Zoning Districts

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

Unknown

- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



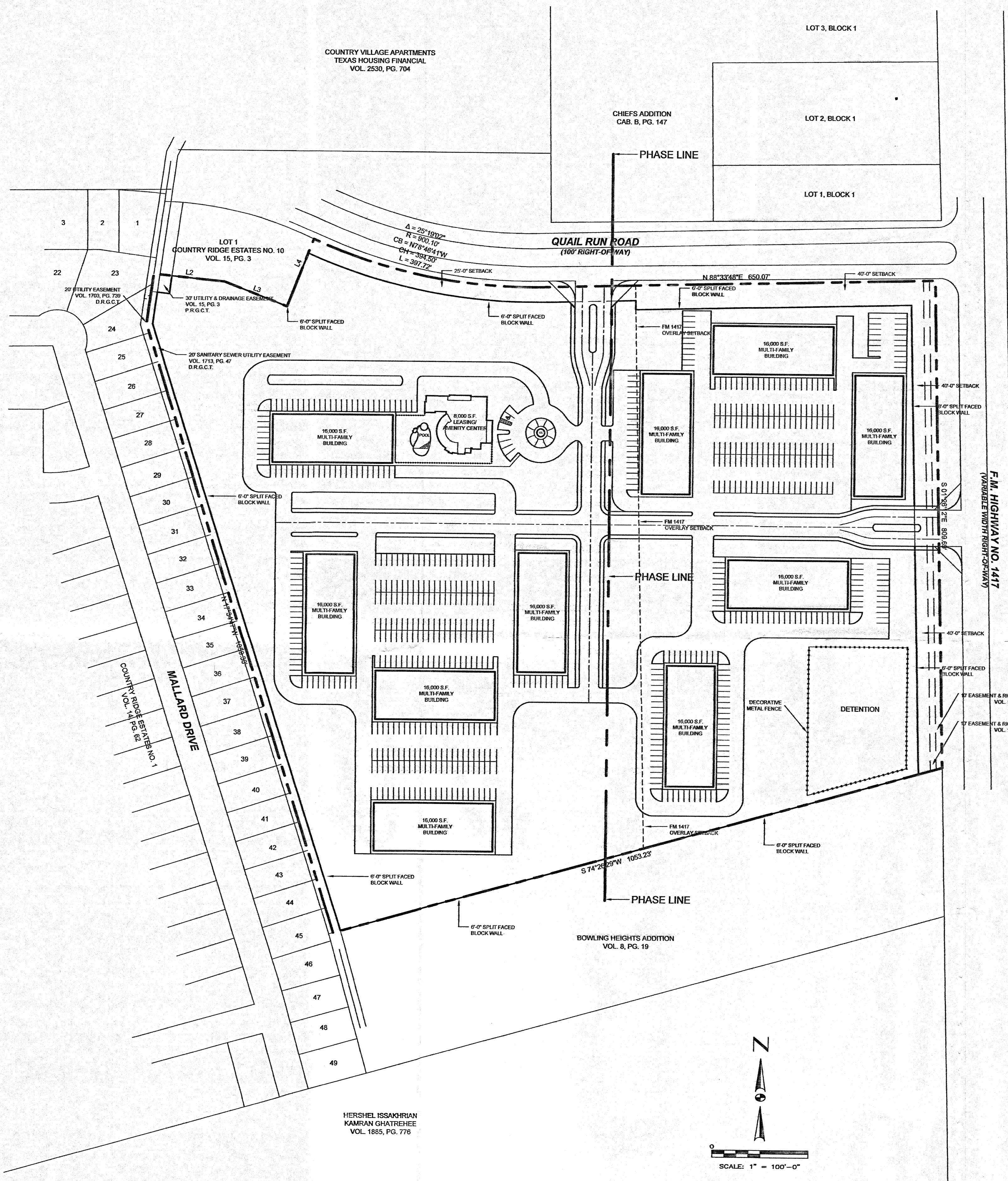
City of Sherman, Texas
Developmental Services Department



1 in = 900 ft

**3800-4000 Blocks Quail Run Road
&
1100-1300 Blocks S. FM 1417 (Heritage Parkway)**





NOTES:

TOTAL ACREAGE: 26.114 ACRES
EXISTING ZONING: C-1 Retail Business
PROPOSED ZONING: R-2 Multi-family

This is a 2-phase development. Both phases may be completed at the same time.
Buildings to be a mix of 1 and 2 bedrooms.

ALL BUILDINGS TO BE SPRINKLERED.
PROPOSED NUMBER OF BUILDINGS: 10
PROPOSED NUMBER OF UNITS: 30 UNITS/BUILDING = 300 UNITS

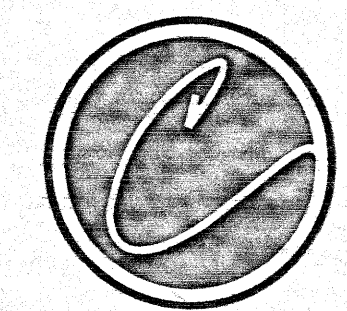
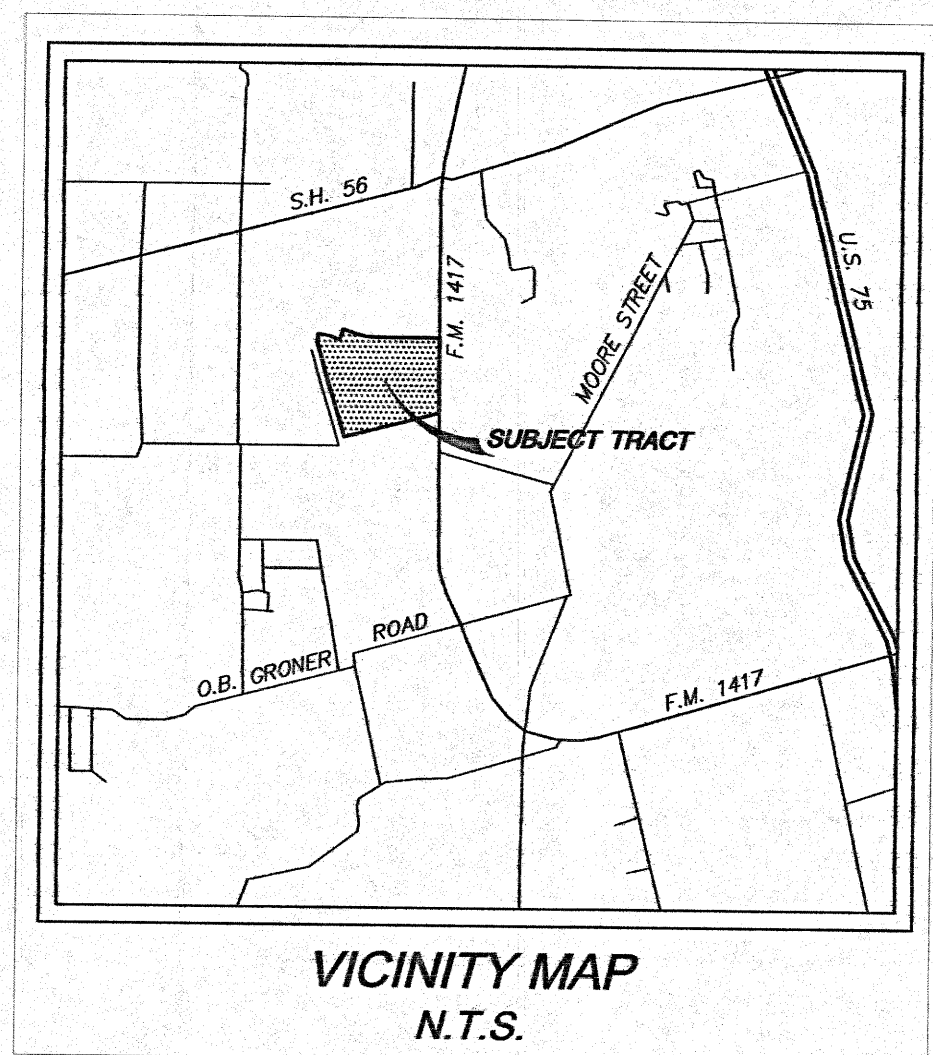
PARKING REQUIREMENTS
2 SPACES PER UNIT
600 SPACES REQUIRED
632 SPACES PROVIDED

ALL INTERIOR DRIVES ARE MINIMUM 24 FOOT WIDE FIRELANES.
LANDSCAPE WILL BE PROVIDED IN ACCORDANCE WITH THE CODE.

- THE BEARING BASIS IS THE WEST RIGHT-OF-WAY LINE OF FM 1417 WITH THE REFERENCE BEARING BEING GRID NORTH NAD83, TEXAS NORTH CENTRAL ZONE 4204.
- NO PORTION OF THE SUBJECT PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FEMA FLOOD "ZONE X" PER FEMA FLOOD INSURANCE RATE MAP NUMBER 48181C0400F, MAP REVISED SEPTEMBER 29, 2010.

LINE TABLE

LINE	3	LENGTH	BEARING
L1	84.08	N07°56'59"E	
L2	118.83	S83°55'07"E	
L3	111.80	S69°01'28"E	
L4	119.93	N21°09'53"E	



Michael R. **COKER** Company

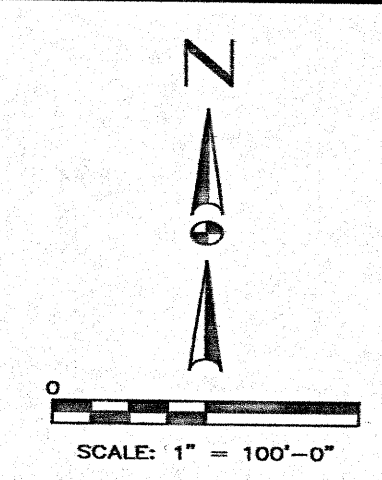
3111 Canton Street, Suite 140
Dallas, TX 75226
214-821-6105 (TX) 214-821-6105 (FL)
www.cokercompany.com

Quail Trail Apartments
Quail Run Rd. at S. Heritage Pkwy.
(FM 1417)
City of Sherman
Grayson County, Texas

PROPERTY OWNER/APPLICANT:
Graham Mortgage Corporation
Scott A. Morris
3838 Oak Lawn Avenue, Suite 1250
Dallas, Texas 75219
214-522-6400

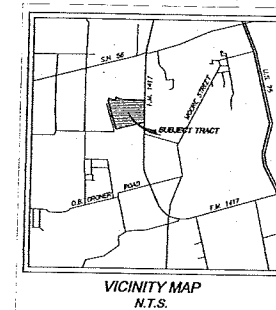
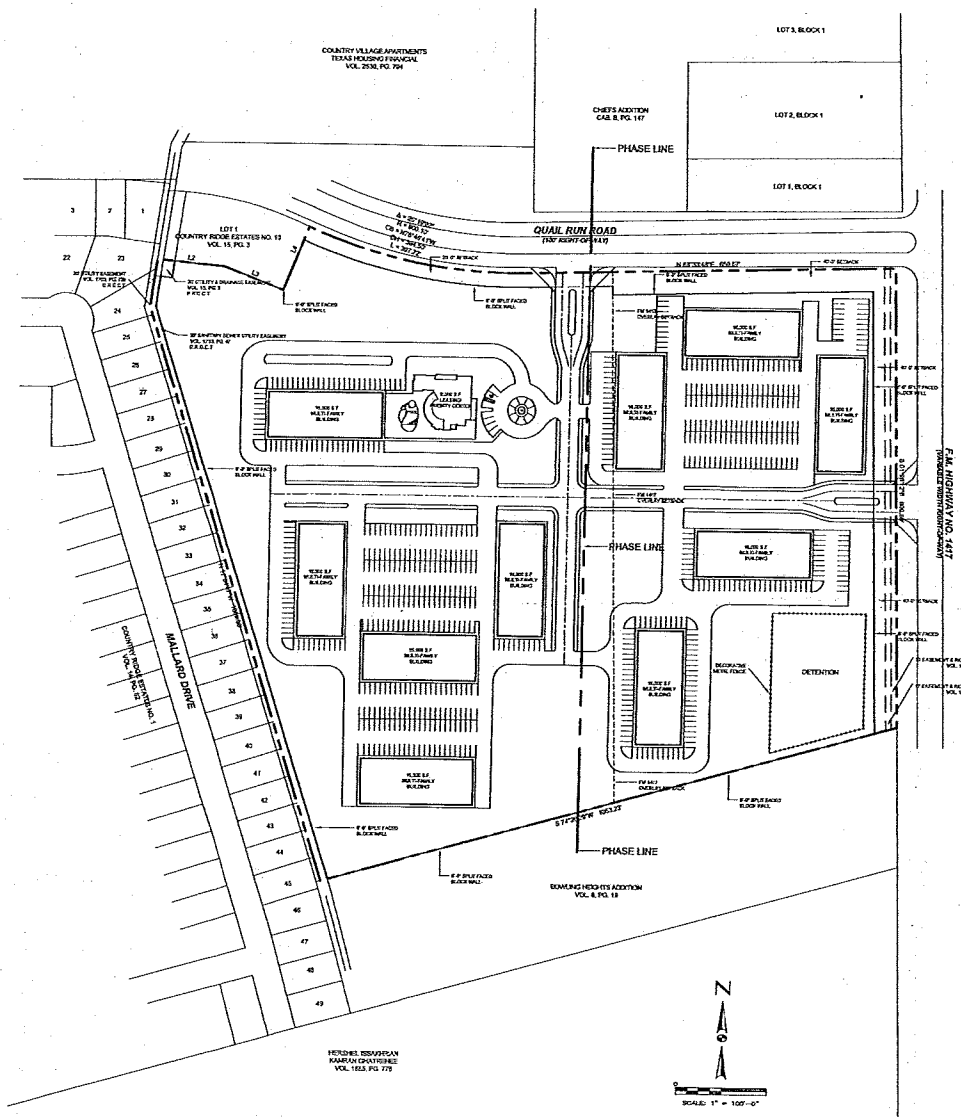
REPRESENTATIVE/AGENT:
Michael R. Coker Company
Michael R. Coker
3111 Canton Street, Suite 140
Dallas, Texas 75226
214-821-6105

ARCHITECT:
Archon Corporation
Gary G. Wood
2929 Carlisle Street, Suite 130
Dallas, Texas 75204
214-526-0731



ZONING CONCEPT PLAN

PROJECT NAME: QUAIL TRAIL APARTMENTS
LEGAL: LOT 2 COUNTRY RIDGE ESTATES #10
ABSTRACT: ELIZABETH JONES SURVEY
ABSTRACT NO. 625
COUNTY: GRAYSON COUNTY
SUBMISSION DATE: JANUARY 23, 2017
ISSUE/REVISIONS:
NO. DATE DESCRIPTION
1 01232017 ISSUE



NOTES:

TOTAL ACREAGE: 20.114 ACRES
 EXISTING ZONING: C-1 Retail Business
 PROPOSED ZONING: R-2 Medium Density

This is a 2-phase development. Both phases may be completed at the same time.
 Buildings to be a mix of 1 and 2 bedrooms.

ALL BUILDINGS TO BE SPRINKLERED.
 PROPOSED NUMBER OF BUILDINGS: 10
 PROPOSED NUMBER OF UNITS: 30 UNITS/BUILDING = 300 UNITS

PARKING REQUIREMENTS
 2 SPACES PER UNIT
 600 SPACES REQUIRED
 600 SPACES PROVIDED

ALL INTERIOR DRIVES AND APPROX 24 FOOT WIDE FIRELANES.
 LANDSCAPE WILL BE PROVIDED IN ACCORDANCE WITH THE CODE.

- THE BEARING BASIS IS THE WEST RIGHT-OF-WAY LINE OF FM 1417 WITH THE REFERENCE BEARING BEING GRID NORTH NAD83, TEXAS NORTH CENTRAL ZONE 4204.
- NO PORTION OF THE SUBJECT PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOOD ZONE (X) PER FEMA FLOOD INSURANCE RATE MAP NUMBER 49181C0004P, MAP REVISION SEPTEMBER 29, 2010.

LINE#	LENGTH	BEARING
L1	84.08	N07°06'59"E
L2	118.83	S83°03'57"E
L3	119.80	S69°01'23"E
L4	119.93	N21°09'53"E



Michael R. **COKER** Company

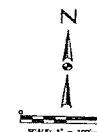
214 Cedar Street, Suite 100
 Dallas, TX 75201
 214-522-6400

Quail Trail Apartments
 Quail Run Rd. at S. Heritage Pkwy.
 (FM 1417)
 City of Sherman
 Grayson County, Texas

PROPERTY OWNER/APPLICANT:
 Graham Mortgage Corporation
 Scott A. Morris
 3838 Oak Lawn Avenue, Suite 1250
 Dallas, Texas 75219
 214-522-6400

REPRESENTATIVE/AGENT:
 Michael R. Coker Company
 Michael R. Coker
 3111 Canton Street, Suite 140
 Dallas, Texas 75226
 214-821-6105

ARCHITECT:
 Archon Corporation
 Gary G. Wood
 2929 Carlisle Street, Suite 130
 Dallas, Texas 75204
 214-528-0731



ZONING CONCEPT PLAN

PROJECT NAME: QUAIL TRAIL APARTMENTS
 LEGAL: LOT 2 COUNTRY ROUGE ESTATE #18
 ABSTRACT: ELIZABETH JONES SURVEY
 COUNTY: GRAYSON COUNTY
 SUBMISSION DATE: JANUARY 23, 2017
 RESUBMISSIONS: NO.
 NO. DATE DESCRIPTION
 1. 81222217 ISSUED

Filename: 030408010000
 C:\GIS\Projects\21043
 The County Engineer's Office is not responsible for the accuracy of the information provided in this document. The County Engineer's Office is not responsible for the accuracy of the information provided in this document. The County Engineer's Office is not responsible for the accuracy of the information provided in this document.

MATERIAL CALCULATIONS:

FRONT ELEVATION

STONE: 1,040 SF = 22%
STUCCO: 3,004 SF = 64%
SIDING: 674 SF = 14%

SIDE ELEVATION

STONE: 332 SF = 17%
STUCCO: 1,890 SF = 83%
SIDING: 0 SF = 0%

REAR ELEVATION

STONE: 1,135 SF = 25%
STUCCO: 2,674 SF = 60%
SIDING: 675 SF = 15%

ARCHITECTURAL FEATURES PROVIDED:

1. METAL AWNINGS @ CORRIDOR ENTRIES
2. RECESSES / PROJECTIONS
3. RECESSED PORCHES
4. PEAKED ROOF FORMS
5. OUTDOOR PATIOS
6. ARCHITECTURAL DETAILS (WOOD BRACKETS)
7. ACCENT MATERIALS
8. VARIED ROOF HEIGHTS



SIDE ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



FRONT ELEVATION
1/8" = 1'-0"

REVISIONS		
NO.	ITEM	DATE

ARCHITECT:
GARY G. WOOD #12202
FEE: FEE - NOT TO BE USED FOR
REGULATORY APPROVAL, PERMITTING,
OR CONSTRUCTION
DATE: 9 JAN 17

QUAIL TRAIL APARTMENTS

SHERMAN, TEXAS

SW CORNER OF QUAIL RUN & FM 1417 INTERSECTION



ARCHON CORPORATION
ARCHITECTS / PLANNERS
2928 CARLISLE STREET
SUITE 130 - DALLAS, TX
75204 214/826-0731

DATE: 9 JAN 17

PROJECT: 21701.05

CONCEPT
SHEET ELEVATIONS



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 5.

Meeting Date: 03/21/2017

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

**3800-4000 BLOCKS QUAIL RUN ROAD & 1100-1300 BLOCKS S. FM 1417 (HERITAGE
PARKWAY)**

The request of Graham Mortgage Corporation (Owners), Michael R. Coker Company (Representative) and Archon Corporation (Architect) concerning the property located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres, as follows:

Planning and Zoning Commission

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-family Residential) District.

Background:

The property is located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway), the southwest corner of Quail Run Road and South FM 1417. The owner would like to change the zoning on the property to an R-2 (Multi-Family Residential) District. The conceptual site plan consists for the development of ten buildings, each with 30 dwelling units for a total of 300 apartment units with a mix of one and two family apartments.

Adjacent Zoning:

R-1 (One Family Residential) District

R-2 (Multi-Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Graham Mortgage Corporation (Owners)
Michael R. Coker Company (Representative)
Archon Corporation (Architect)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

61

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Plat
Conceptual Site Plan
Conceptual Elevations
Staff Review Letter

STAFF REVIEW LETTER

March 15, 2017

Graham Mortgage Corporation
3838 Oak Lawn Avenue, Ste. 1250
Dallas, TX 75219

Archon Corporation
2929 Carlisle Street, Ste. 130
Dallas, TX 75204

Michael R. Coker
3111 Canton Street, Ste. 140
Dallas, TX 75226

Dear Applicants,

The request for a zone change and conceptual site plan approval for the property located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 21, 2017 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the R-2 (Multi-Family Residential) District, the O-1.1 (FM 1417 Overlay) District, the Residential Tree and Landscaping Ordinance must be followed.
2. A minimum 6' masonry perimeter wall shall be provided to surround the development unless an exception is granted.
3. No building shall exceed 45 feet in height.
4. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
5. Parking is permitted on paved surfaces only.
6. Parking shall be provided for one space per bedroom, minimum two per unit; a parking space is considered to be 9'x20'.
7. This site plan is conceptual and will require final site plan approval from the Planning and Zoning Commission before construction begins.
8. A landscaping plan shall be provided for final site plan approval.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

11. Detention in accordance with City criteria is required. Engineering plans shall be provided to the City of Sherman Engineering Department for review and approval.
12. Verify fire lane requirements with Fire Marshall.
13. Final site plans, utility, drainage, and grading plan shall be provided and approved by City Engineering Department.
14. New drive approaches shall conform to City of Sherman and TxDOT standards and a permit is required.
15. Ultimate design of F.M. 1417 will be median divided and will only allow Right-in, Right-out Entrances and Exits.

16. Additional Right of Way may be required for widening of FM 1417.
17. The location of trash receptors must be approved by the Public Works Department.
18. Internal water and sewer lines will be privately owned and maintained.
19. Developer will ensure adequate water pressure.
20. Verify sewer capacity.
21. An Operation and Maintenance Manual and Landscaping Plan for the detention pond shall be provided to the Engineering Department prior to issuance of Occupancy Permits.
22. Show existing utility lines and easements; note Volume and Page of easements.
23. Show approximate center line of drainage creek.
24. Identify which phase would be undertaken first, if split into phases.
25. Quail Run Road access must be included no matter which phase is undertaken.
26. F.M. 1417 access must be included no matter which phase is undertaken.
27. Additional Right-of-Way along F.M. 1417 may be required.
28. If project is phased, provide cul-de-sacs at ends of streets.
29. Development plans and specification shall be approved by City Engineering Department.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,



Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Don Keene, Asst. City Manager

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Director of Public Services
Amber Doan, Engineering Coordinator

RECEIVED

MAR 21 2017

B

Breashears
1431 Mallard Drive
Sherman, TX 75092

March 21, 2017

Scott Shadden
Planning and Zoning Commission
P.O. Box 1106
Sherman, TX 75091-1106
Fax 903-892-7274

Re: Proposed zoning change on Quail Run and S. FM 1417

Dear Mr. Shadden:

We, Robert & Wanda Breashears, formally oppose the proposed zoning change for 3800-4000 Blocks Quail Run & 1100-1300 Blocks S. FM 1417 (Heritage Parkway).

Respectfully submitted,


Robert Breashears


Wanda Breashears

MAR 22 2017

PLANNING AND ZONING BOARD
BUILDING INSPECTION DEPARTMENT
Telephone: (903) 892-7229
FAX: (903) 892-7274

March 3, 2017

Kristy Douglas
1411 Mallard Dr.
Sherman, TX 75092

The Planning and Zoning Commission of the City of Sherman will hold a public hearing on the day of Tuesday, March 21, 2017 at 5:00 P.M. in the City Council Chambers, at 220 W. Mulberry, to hear the request of:

Graham Mortgage Corporation (Owners), Michael R. Coker Company (Representative) and Archon Corporation (Architect) concerning the property located in the 3800 Blocks of Quail Run Road and the 1100-1300 Blocks South FM 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres

The request is as follows:

Planning and Zoning Board

Zone change and conceptual site plan approval under Ordinance No. 2280, Section 12, from a C-1 (Retail Business) District to an R-2 (Multi-family Residential) District.

As a property owner within two hundred feet (200') of this property, you are invited to attend. You are not required to be present, but all interested parties wishing to speak should appear at the time and place stated above. If you can not attend the public hearing, but wish to have your views presented to the Board, you may do so in the space provided below or by a separate letter and mailed to:

Scott Shadden
Secretary, Planning and Zoning Board
P.O. Box 1106
Sherman, Texas 75091-1106


Secretary, Planning & Zoning Board

I am against the zone change. I do not want this 300 family apartment complex in my backyard, even if green space is allotted. We do not have the entrances/roads for it and will cause congestion. It will cause problems at the pool, noise and my view.

Unless this notice is delivered in an envelope that has the "City of Sherman" logo and is affixed with postage as required by the U.S. Postal Service, it is NOT an official notice sent to you by the City of Sherman.



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.3.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6022

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District at 1711 North F.M. 1417 (Heritage Parkway), Suite 700, being Part of Block 1, Western Hills Addition, Section 5 (Spavinaw Development, LLC, Owners; Ayush Corp, DBA Thumbs Up Liquor & Tobacco, Tenant; and Vipani Soni, Representative); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Issue:

To consider a Specific Use Permit to allow a liquor store in an M-1 (Light Manufacturing) District/O-1.1 (F.M. 1417 Overlay) District from Spavinaw Development, LLC (Owners), Ayush Corp, DBA Thumbs Up Liquor & Tobacco (Tenant), and Vipani Soni (Representative) concerning the property at 1711 North F.M. 1417 (Heritage Parkway), Suite 700

Background:

The property is located at 1711 North F.M. 1417 (Heritage Parkway), Suite 700, the southeast corner of Taylor Street and F.M. 1417 (Heritage Parkway). The property is zoned an M-1 (Light Manufacturing) District and is also located in the O-1.1 (FM 1417 Overlay) District. The owners would like to open a liquor store at this location.

Origination:

Spavinaw Development, LLC (Owners)
Ayush Corp, DBA Thumbs Up Liquor & Tobacco (Tenant)
Vipani Soni (Representative)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2017 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6022

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A LIQUOR STORE IN AN M-1 (LIGHT MANUFACTURING) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT AT 1711 NORTH F.M. 1417 (HERITAGE PARKWAY), SUITE 700, BEING PART OF BLOCK 1, WESTERN HILLS ADDITION, SECTION 5 (SPAVINAW DEVELOPMENT, LLC, OWNERS; AYUSH CORP, DBA THUMBS UP LIQUOR & TOBACCO, TENANT; AND VIPAN SONI, REPRESENTATIVE); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS;

SECTION 1. That, from and after the passage of this ordinance, Spavinaw Development (Owners), Ayush Corp DBA Thumbs Up Liquor & Tobacco (Tenant) and Vipan Soni (Representative) are granted a Specific Use Permit to allow a liquor store in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District at 1711 North F.M. 1417 (Heritage Parkway), Suite 700, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING part of Block 1, Western Hills Addition, Section 5

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the M-1 (Light Manufacturing) District, the O-1.1 (FM 1417 Overlay) District, the Specific Use Permit and the sign ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Shall comply with all City, Federal and State regulations for this use.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. Parking will be permitted on private property only.
9. Ultimate design of F.M. 1417 will be median divided and will only allow Right-in, Right-out Entrances and Exits.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2017.

ADOPTED on this the _____ day of _____, 2017.

EFFECTIVE DATE on this the _____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

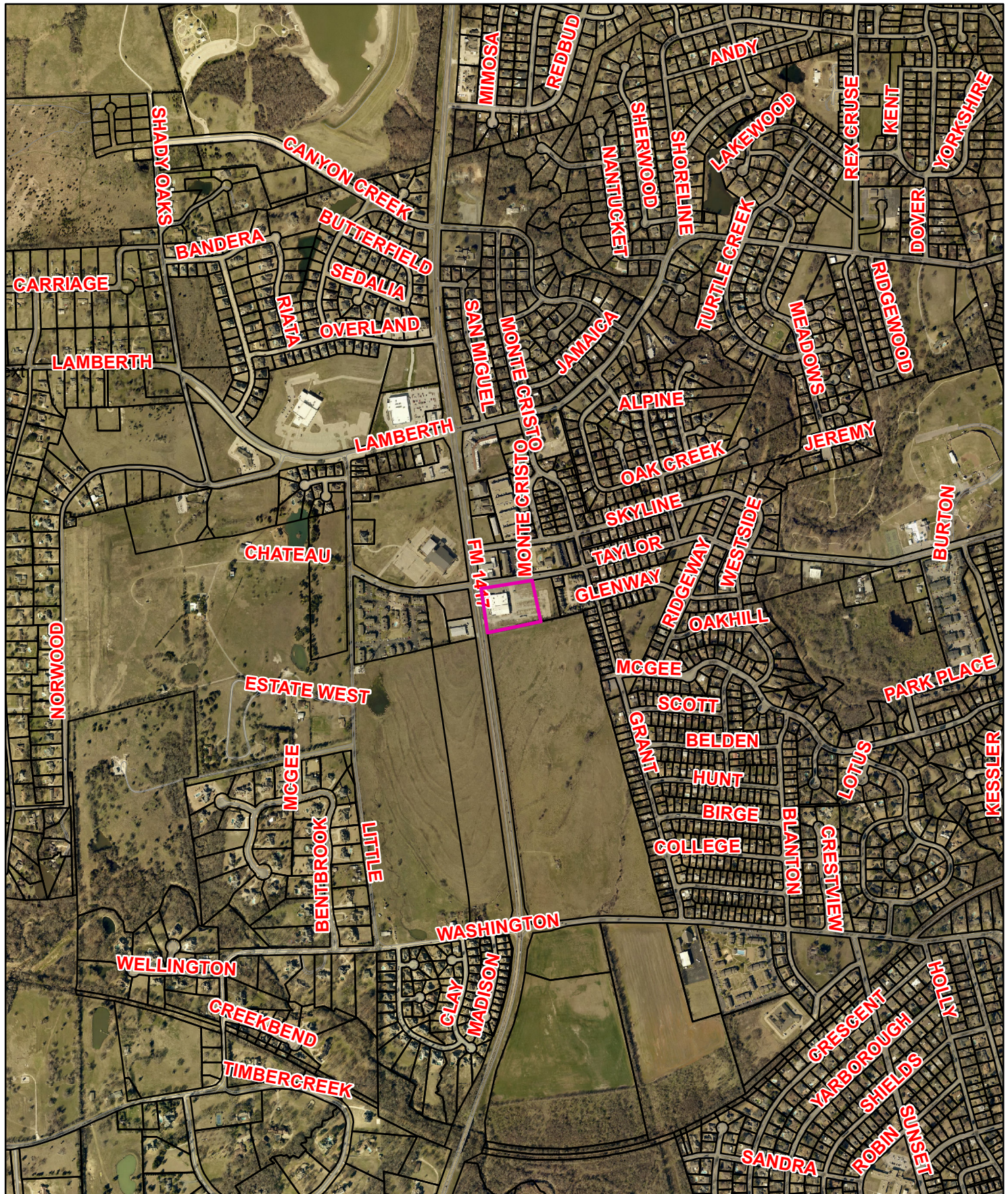
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

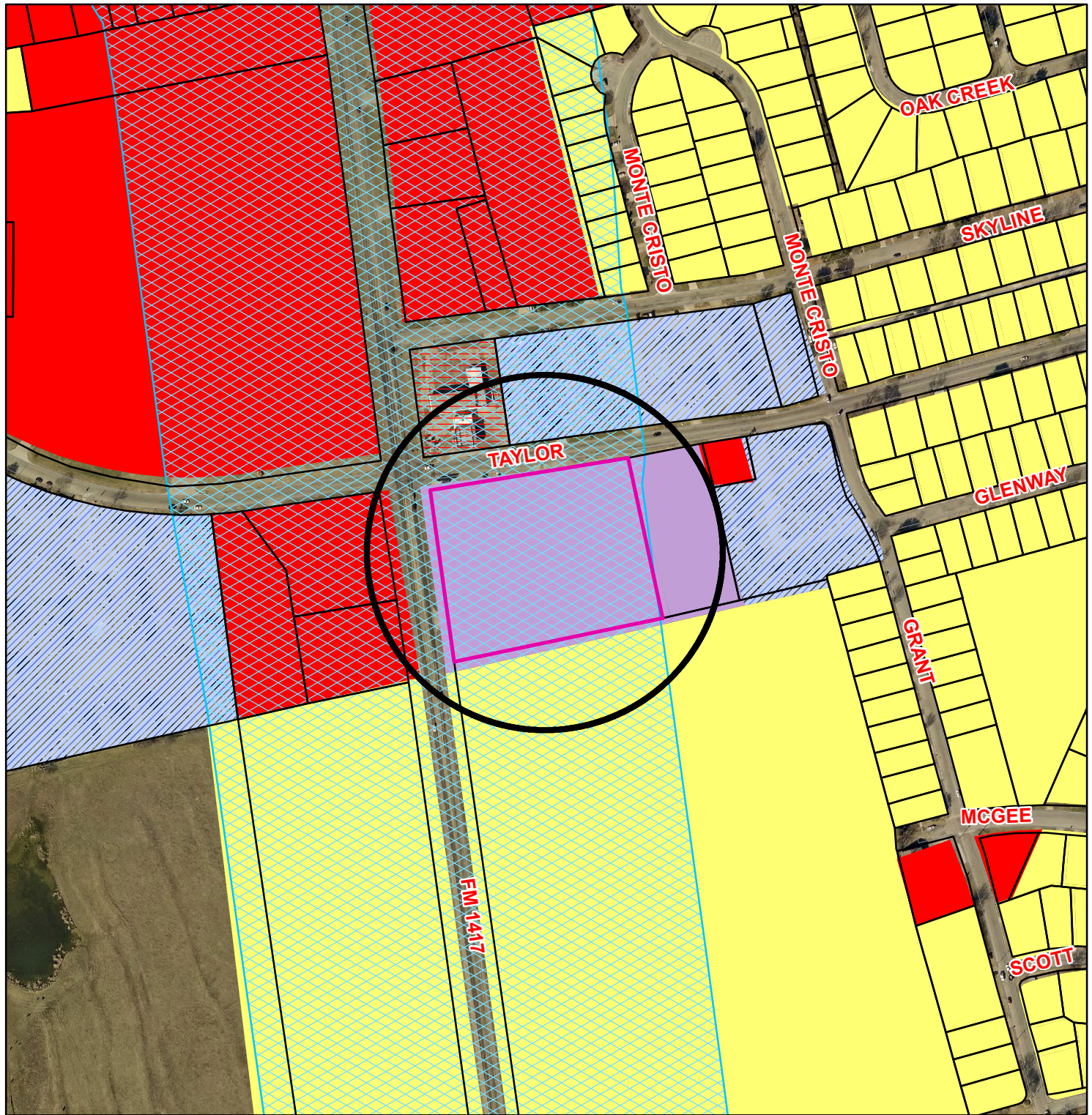


1711 N. FM 1417 (Heritage Parkway), Suite 700



NOT TO SCALE

1 in = 1,162 ft



Zoning - 1711 N. FM 1417 (Heritage Parkway), Suite 700

Legend

Special Districts Overlay

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor Zoning Districts

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



City of Sherman, Texas
Developmental Services Department



1 in = 323 ft

1711 N. FM 1417 (Heritage Parkway), Ste. 700



[illegible]

100/100

ONE THOUSAND SOUTH SAM RAYBURN FREEWAY, SHERMAN, TEXAS 75090 903 893 5800 903 893 5866 david@davidbancstudio.com



PROJECT NUMBER
0703
DATE
02.27.07
SHEET NUMBER
C1.0

 **SLINGSHOT 17**
PRODUCTIONS



STAFF REVIEW LETTER

March 15, 2017

Spavinaw Development
PO Box 1295
Sherman, TX 75091

Andy Olmstead
PO Box 1298
Sherman, TX 75091

Ayush Corp
DBA Thumbs Up Liquor & Tobacco
Vipan Soni
2211 San Miguel St.
Sherman, TX 75092

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a liquor store in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District for the property located at 1711 North FM 1417 (Heritage Parkway), Suite 700 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 21, 2017 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the M-1 (Light Manufacturing) District, the O-1.1 (FM 1417 Overlay) District, the Specific Use Permit and the sign ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Shall comply with all City, Federal and State regulations for this use.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. Parking will be permitted on private property only.
9. Ultimate design of F.M. 1417 will be median divided and will only allow Right-in, Right-out Entrances and Exits.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink that reads "Scott Shadden". The signature is fluid and cursive, with the first name "Scott" and last name "Shadden" clearly legible.

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director of Engineering
Don Keene, Asst. City Manager

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Dir. Of Community and Support Services
Amber Doan, Engineering Coordinator



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 6.

Meeting Date: 03/21/2017

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

1711 N. FM 1417 (HERITAGE PARKWAY), SUITE 700

The request of Spavinaw Development (Owners) and Ayush Corp, DBA Thumbs Up Liquor & Tobacco (Tenant), Vipani Soni (Representative) concerning the property at 1711 North FM 1417 (Heritage Parkway), Suite 700, being part of Block 1, Western Hills Addition, Section 5, as follows;

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a liquor store in an M-1 (Light Manufacturing) District/O-1.1 (FM 1417 Overlay) District.

Background:

The property is located at 1711 North FM 1417 (Heritage Parkway), Suite 700, the southeast corner of Taylor Street and FM 1417 (Heritage Parkway). The property is zoned an M-1 (Light Manufacturing) District and is also located in the O-1.1 (FM 1417 Overlay) District. The owner would like to open a liquor store at this location.

Adjacent Zoning:

M-1 (Light Manufacturing) District

R-1 (One Family Residential) District

Origination:

Spavinaw Development (Owners)

Ayush Corp DBA Thumbs Up Liquor & Tobacco (Tenant)

Vipani Soni (Representative)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

7

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.4.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6023

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 2916 North U.S. Highway 75, Suite 100, being Lot 4, Shafer Plaza (Tava Property, LLC, Owners; Nandi Bhattarai, Applicant; and Reggis Liquor #75, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Issue:

To consider the request of Tava Property, LLC (Owners), Nandi Bhattarai (Applicant) and Reggis Liquor #75 (Tenant) concerning the property located at 2916 North U.S. Highway 75, Suite 100, being Lot 4, Shafer Plaza, for a Specific Use Permit to allow a liquor store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District

Background:

The property is located at 2916 North U.S. Highway 75, Suite 100 in the Shafer Plaza Shopping Center, between U.S. Highway 82 and Cornerstone Drive. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75 & 82 Overlay) District. Mr. Bhattarai would like to open Reggis Liquor Store at this location.

Origination:

Tava Property, LLC (Owners)
Nandi Bhattarai (Applicant)
Reggis Liquor #75 (Tenant)

Financial Consideration:

None

Staff Recommendation:

At the March 21, 2017 regular meeting, the Planning and Zoning Board voted 6/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter and no lighting in or around the windows.

Alternatives:

The City Council could deny the request.

Attachments

Ordinance No. 6023

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter

P&Z Communication

ORDINANCE NO. 6023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A LIQUOR STORE IN A C-1 (RETAIL BUSINESS) DISTRICT/O-1 (75 & 82 OVERLAY) DISTRICT AT 2916 NORTH U.S. HIGHWAY 75, SUITE 100, BEING LOT 4, SHAFER PLAZA (TAVA PROPERTY, LLC, OWNERS; NANDI BHATTARAI, APPLICANT; AND REGGIS LIQUOR #75, TENANT); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS;

SECTION 1. That, from and after the passage of this ordinance, Tava Property, LLC (Owners), Nandi Bhattarai (Applicant) and Reggis Liquor #75 (Tenant) are granted a Specific Use Permit to allow a liquor store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 2916 North U.S. Highway 75, Suite 100, and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

BEING Lot 4, Shafer Plaza

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82 Overlay) District, the Specific Use Permit and the sign ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).

3. Shall comply with all City, Federal and State regulations for this use.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. Parking will be permitted on private property only.

Planning & Zoning Commission:

9. Restrictive lighting in and around the windows.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2017.

ADOPTED on this the _____ day of _____, 2017.

EFFECTIVE DATE on this the _____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

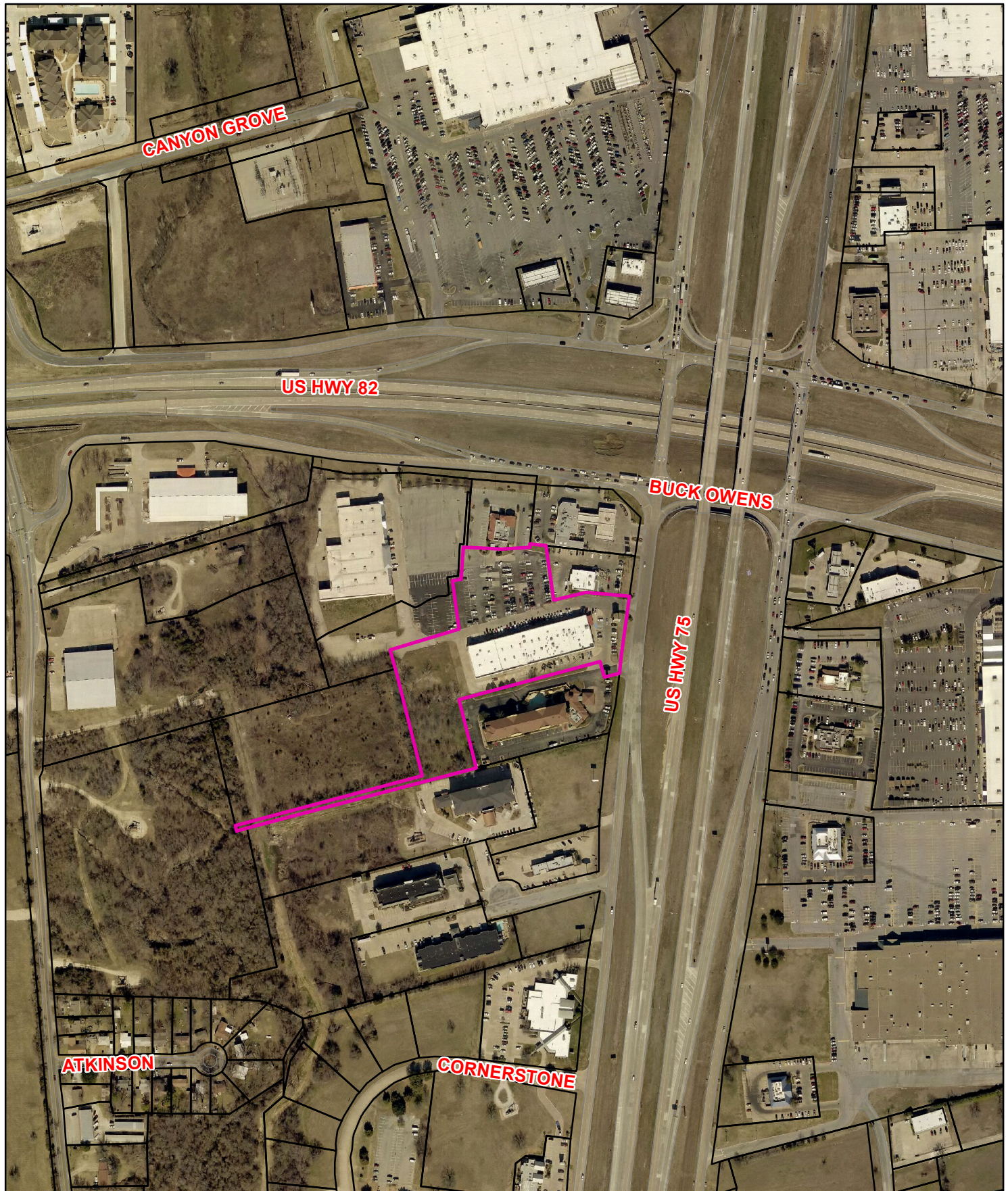
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



Sherman
CLASSIC TOWN. BROAD HORIZON.

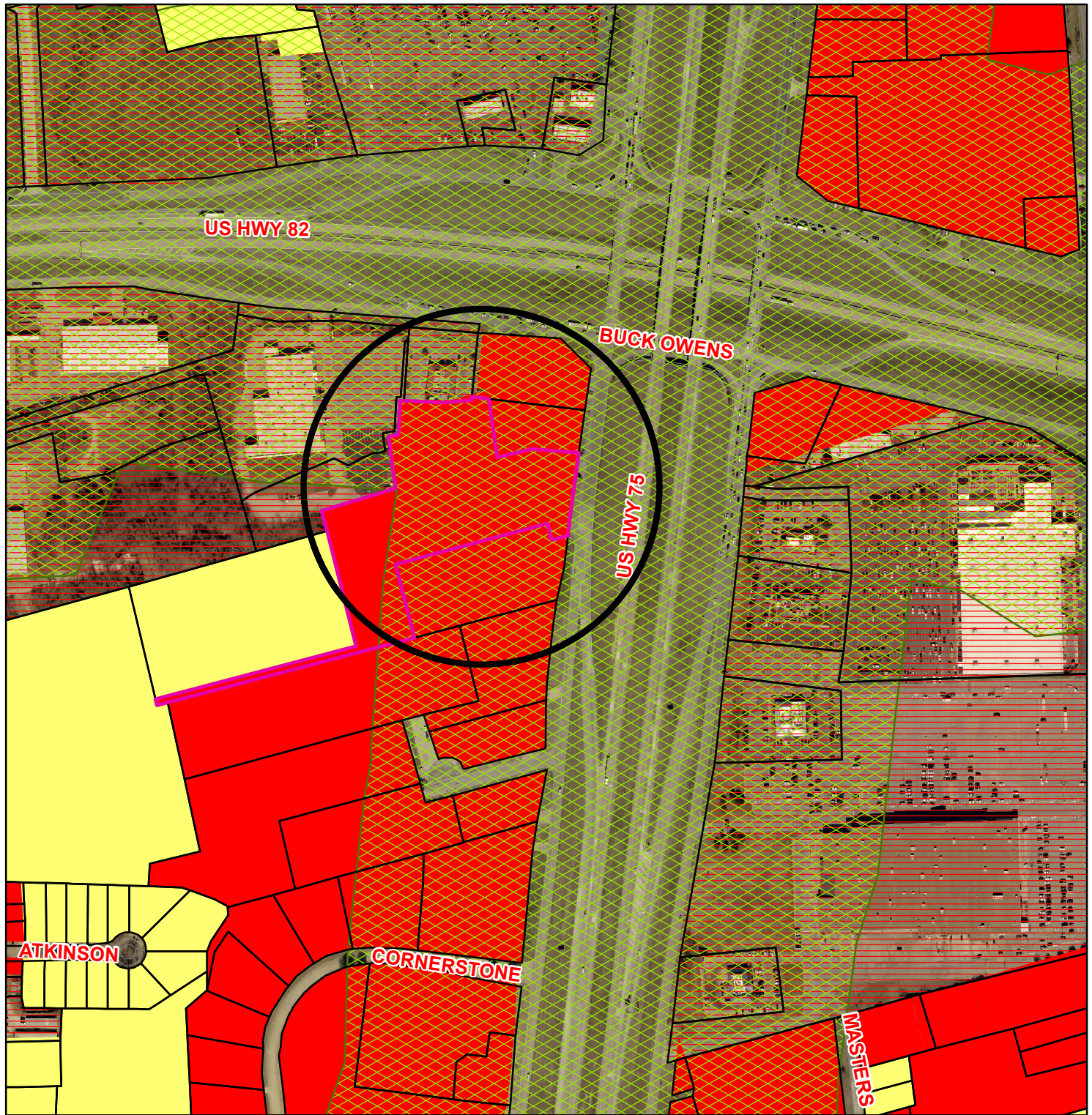
2916 N Highway 75, Suite 100



NOT TO SCALE

1 in = 400 ft

City of Sherman, Texas
Developmental Services Department



Zoning - 2916 N. U.S. Highway 75, Suite 100

Legend

Special Districts Overlay

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Transportation Corridor Zoning Districts

- FM 1417
- Sam Rayburn Freeway
- US Hwy 82 and 75
- SH 289
- FM 691

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



City of Sherman, Texas
Developmental Services Department



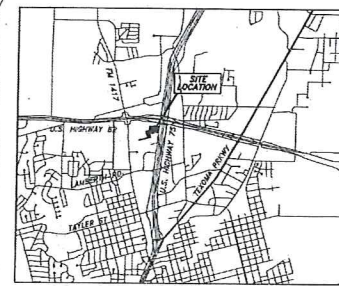
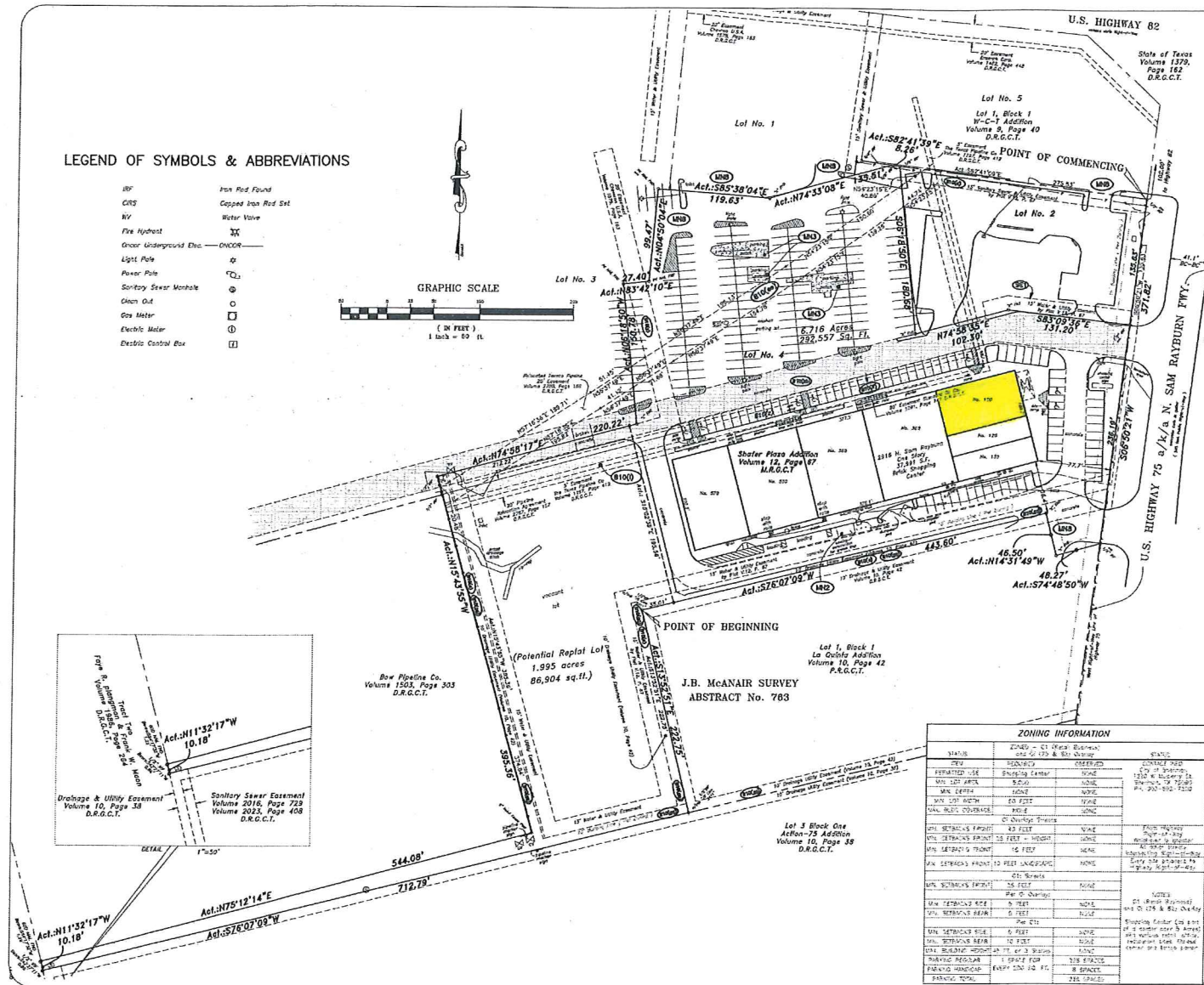
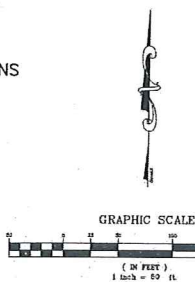
NOT TO SCALE

1 in = 403 ft

2916 N. U.S. Highway 75, Suite 100



IBF	Iron Rod Found
CBS	Copper Rod Not Set
WV	Water Valve
Fire Hydrant	
Cancer Underground Etc.	—Cancer—
Light Pole	
Power Pole	
Sanitary Sewer Manhole	
Grass Out	
Gas Meter	
Electric Meter	
Electric Control Box	



ALTA/ACSM LAND TITLE SURVEY

Surveyor's Certification

To: J. Sherman Crossing TX, LLC, REALTOR MORTGAGE FINANCE, LLC, its successors and/or assignees, Fidelity National Title Insurance Company and its issuing agent, Federal Title Inc.

This is to certify that this map or part and the survey on which it is based were made in accordance with the 2011 Minimum Standard Data Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1, 2, 3, 4, 5(a), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11(a), 13, 14, 16, 17, 18 and 20(a) of Table A thereof. The field work was completed on August 26, 2014.

JBTC
Registration No. 5411
in the State of Texas
Date of Survey: 10/01/2014
Date of Last Revision: 11/03/2014
Project No. 148531

Survey Performed By:
Sonde Surveying Corporation
4224 Wilson Way
Highland Village, Texas 75077
Phone: 817-359-5253
Fax: 817-359-6137
Email: sonde@sondesurveyingtx.com



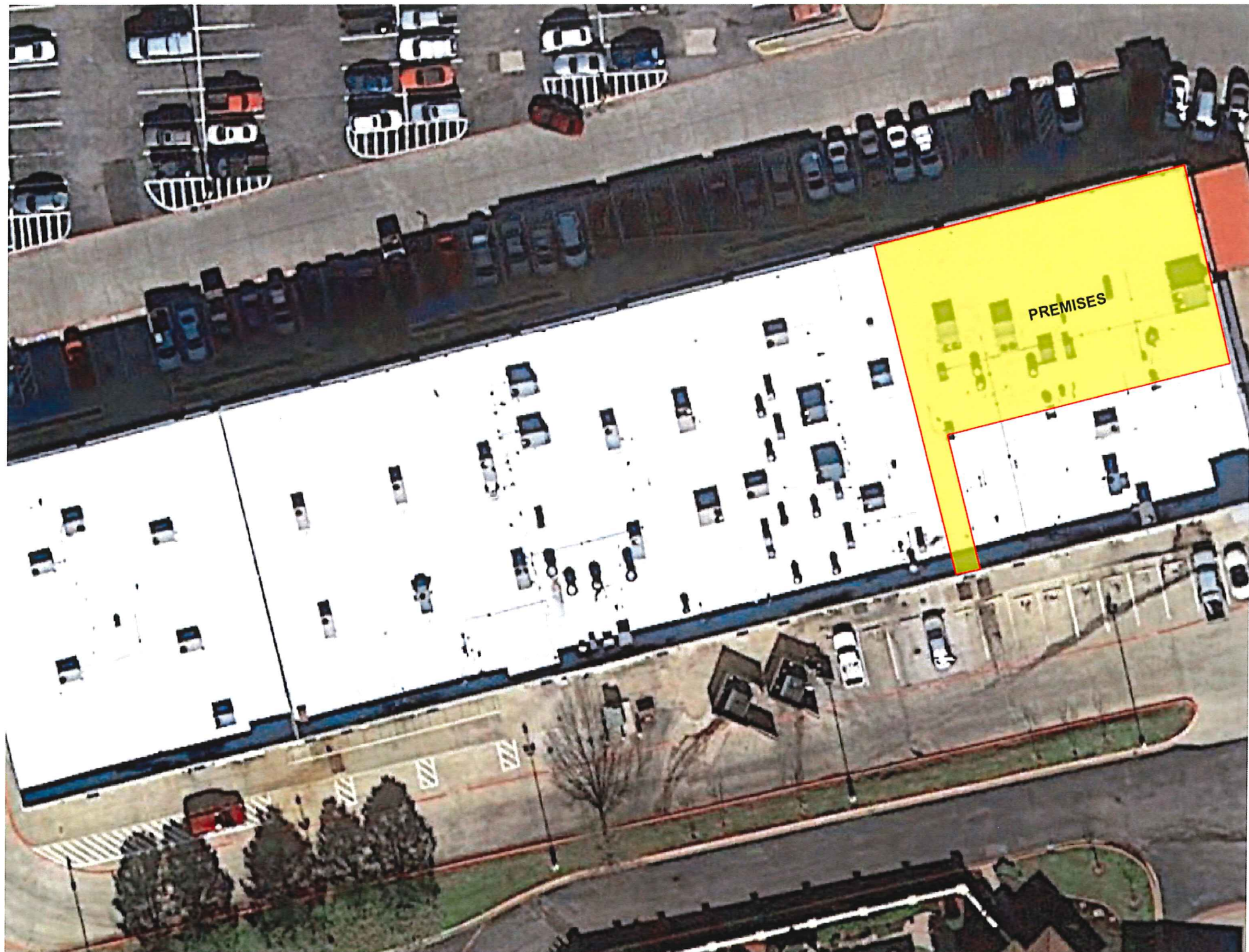
SANDS SURVEYING CORPORATION

422 Wilcox Ave.
Highland Village, Texas 75077
(972) 383-5253 ph
(972) 862-6139 fax
www.sandsurveying.com

 Land Mapping

SCALE 1"=50'
DATE 08/22/13
DRAWN BY T40333
CHECKED BY SC

COPYRIGHT © 2013 SANDS SURVEYING CORPORATION









STAFF REVIEW LETTER

March 15, 2017

Tava Property, LLC
11104 Brighton Lane
Frisco, TX 75033

Nandi Bhattarai
5661 Crimson Oaks Dr.
Frisco, TX 75035

Dear Applicants,

The request for a Specific Use Permit and site plan approval to allow a liquor store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District for the property located at 2916 North U.S. Highway 75, Suite 100 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 21, 2017 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-1 (Retail Business) District, the O-1 (75 & 82 Overlay) District, the Specific Use Permit and the sign ordinance must be followed.
2. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
3. Shall comply with all City, Federal and State regulations for this use.
4. Parking and service driveways are permitted on paved surfaces only; concrete or asphalt.
5. A parking space is considered to be 9'x20'.
6. Review the zoning and development ordinance for additional requirements.
7. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

8. Parking will be permitted on private property only.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,

A handwritten signature in black ink, reading "Scott Shadden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC:	Robby Hefton, City Manager	Danny Fuller, Fire Marshal
	Mark Gibson, Director of Utilities	Brandon Shelby, City Attorney
	Clint Philpott, P.E., Director of Engineering	Steve Ayers, Dir. Of Community and Support Services
	Don Keene, Asst. City Manager	Amber Doan, Engineering Coordinator



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 8.

Meeting Date: 03/21/2017

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

2916 N. U.S. HIGHWAY 75, SUITE 100

The request of Tava Property, LLC (Owners), Nandi Bhattarai (Applicant) and Reggis Liquor #75 (Tenant) concerning the property located at 2916 North U.S. Highway 75, Suite 100, being Lot 4, Shafer Plaza, as follows:

Planning and Zoning Board

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow a liquor store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District.

Background:

The property is located at 2916 North U.S. Highway 75, Suite 100 in the Shafa Plaza Shopping Center, between U.S. Highway 82 and Cornerstone Drive. The property is zoned a C-1 (Retail Business) District and also located in the O-1 (75 & 82) Overlay District. Mr. Bhattarai would like to open Reggis Liquor Store at this location.

Adjacent Zoning:

R-1 (One Family Residential) District

C-1 (Retail Business) District

C-2 (General Commercial) District

Origination:

Tava Property, LLC (Owners)

Nandi Bhattarai (Applicant)

Reggis Liquor #75 (Tenant)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

8

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Site Plan

Elevations

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.5.

Meeting Date: 04/17/2017

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6024

Repealing Ordinance No. 5878 in its Entirety; Amending Chapter 5 of the Code of Ordinances, entitled "Fire Prevention and Protection", Article 5.04, entitled "Liquefied Petroleum Gas", to Regulate Liquefied Petroleum Gas within the City's Jurisdiction, Adopting the Texas Railroad Commission's LP-Gas Safety Rules in Conformity with Section 113.054 of the Natural Resources Code; Repealing All Other Ordinances or Parts Thereof Purporting to Regulate Liquefied Petroleum Gas within the City's Jurisdiction Only to the Extent that such Other Ordinances or Parts Thereof Relate to Liquefied Petroleum Gas

Issue:

Repealing and replacing the City's Liquefied Petroleum Gas (LPG) ordinance

Background:

The Texas Legislature has vested all rule-making authority over the LPG industry to the Railroad Commission via Section 113.054 of the Natural Resources Code. The Texas Propane Gas Association (TPGA) has filed suit against all Texas municipalities with LPG ordinances seeking a Judgment ruling them invalid and forcing their repeal. The attorney for the TPGA has offered to non-suit the City of Sherman in exchange for repealing and replacing our LPG Ordinance as presented herein.

Origination:

City Attorney

Financial Consideration:

The City could be liable for legal fees and costs should it proceed with the litigation.

Staff Recommendation:

Staff recommends adoption of the proposed ordinance amending the Liquefied Petroleum Gas code.

Alternatives:

City could proceed with the litigation.

Attachments

Ordinance No. 6024

ORDINANCE NO. 6024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, REPEALING ORDINANCE NO. 5878 IN ITS ENTIRETY; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED “FIRE PREVENTION AND PROTECTION”, ARTICLE 5.04, ENTITLED “LIQUEFIED PETROLEUM GAS”, TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY’S JURISDICTION, ADOPTING THE TEXAS RAILROAD COMMISSION’S LP-GAS SAFETY RULES IN CONFORMITY WITH SECTION 113.054 OF THE NATURAL RESOURCES CODE; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF PURPORTING TO REGULATE LIQUEFIED PETROLEUM GAS WITHIN THE CITY’S JURISDICTION ONLY TO THE EXTENT THAT SUCH OTHER ORDINANCES OR PARTS THEREOF RELATE TO LIQUEFIED PETROLEUM GAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, under Section 113.051 of the Natural Resources Code, the Legislature has mandated that the Texas Railroad Commission “...promulgate and adopt rules or standards or both relating to any and all aspects or phases of the LPG industry that will protect or tend to protect the health, welfare, and safety of the general public”; and

WHEREAS, the Texas Railroad Commission has adopted Liquefied Petroleum Gas Safety Rules; and

WHEREAS, under Section 113.054 of the Natural Resources Code, the Texas Railroad Commission’s rules and standards “...preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry”; and

WHEREAS, Section 113.054 of the Natural Resources Code authorizes the City to petition the Railroad Commission’s executive director for “...permission to promulgate more restrictive rules and standards...if the political subdivision can prove that the more restrictive rules and standards enhance public safety”; and

WHEREAS, the City has not petitioned the Railroad Commission’s executive director for permission to promulgate more restrictive rules and standards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That Chapter 5, Article 5.04 of the Code of Ordinances, entitled “Liquefied Petroleum Gas”, be and hereby is repealed in its entirety as follows:

~~ARTICLE 5.04 LIQUEFIED PETROLEUM GAS~~

~~Division 1. Generally.~~

~~Sec. 5.04.001 — Definitions~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Inspector or inspecting authority. The department of code enforcement or fire marshal of the city.~~

~~Liquefied petroleum gas. Any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: propane, propylene, butanes (normal butane or isobutane and butylenes).~~

~~Liquefied petroleum gas safety rules (as revised or amended). The rules and regulations issued by the state railroad commission, liquefied petroleum gas division.~~

~~Premises. The grounds, as well as all buildings and appurtenances pertaining thereto, and any adjacent premises if directly or indirectly under the control of the same person.~~

~~Railroad commission. The railroad commission of the state or any regularly authorized deputy or agent thereof.~~

~~Vehicles. Automobiles, trucks, trailers and all appurtenances pertaining thereto.~~

~~Sec. 5.04.002 — Penalty for violation~~

~~Any person who shall violate any provision of this article shall be punished as provided in section 1.01.009.~~

~~Sec. 5.04.003 — Purpose, construction~~

~~This article is declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public health, safety and welfare, through provisions for safety to life and property from fire and other hazards incident to the handling, storing and dispensing of liquefied petroleum gas on certain premises within the corporate limits of the city.~~

~~Sec. 5.04.004 — Compliance with state regulations and article~~

~~No person shall keep, store, retain, handle, haul, transport, dispense, or distribute within the corporate limits of the city any liquefied petroleum gas except upon full compliance with the requirements of the liquefied petroleum gas safety rules and this article.~~

~~Sec. 5.04.005 — Installation, use, storage or transfer~~

~~(a) — No person shall install, maintain or use any container, equipment or liquefied petroleum gas system for the purpose of storage, burning or use of liquefied petroleum gas within a residential district of the city; provided, however, that a maximum of ten (10) gallons at any one (1) time of liquefied petroleum gas to be used solely for the purpose of testing liquefied petroleum gas equipment or for residential use or for use in motor vehicles, trailers, mobile homes or motor homes, may be maintained within any district of the city if the regulations established by the railroad commission are complied with for such maintenance or use. Liquefied petroleum gas containers utilized in motor vehicles, trailers, mobile homes or motor homes may exceed the ten gallon capacity limitation specified herein, provided that all railroad commission rules, regulations and permits are complied with.~~

~~(b) — Exception. Except as permitted in subsection (a) above, permanent liquefied petroleum gas containers are permitted in the incorporated city limits if natural gas is not available within 300' of property line, provided the following criteria is met:~~

- ~~(1) — Liquefied petroleum gas containers shall not provide liquefied petroleum gas to any other lot than the lot upon which the liquefied petroleum gas container is located;~~
- ~~(2) — The installation of the liquefied petroleum gas container shall be inspected by the fire marshal;~~
- ~~(3) — Liquefied petroleum gas container shall not exceed five hundred (500) gallon capacity;~~
- ~~(4) — Liquefied petroleum gas containers are allowed to be placed on a lot with a lot size of one (1) acre or greater, and shall be located underground with cathodic protection provided, for the liquefied petroleum gas container;~~
- ~~(5) — Screening materials around the liquefied petroleum gas container may be used in accordance with local liquefied petroleum gas distributors recommendation so long as at least fifty percent (50%) of the screening is clearly marked and legible from a distance of one hundred (100) feet; placard must be marked with an upper case "P," blue in color with a contrasting background on a sign at least 8" x 11" in size; lettering must be at least 8" in height; and~~
- ~~(6) — The liquefied petroleum gas distributor will be the responsible party to inspect all safety features, inspect the pressure relief valve at the time of each delivery of product to verify the cap has not been rendered inoperable, and verify that there are no other safety concerns. In as such, any deficiencies in the system will immediately be reported to the fire marshal prior to the off loading of the product.~~

~~(c) — Liquefied petroleum gas shall not be transferred from one (1) vehicle to another within the corporate limits of the city, except that, in case of emergency, such transfer may be made~~

~~under the supervision of the fire marshal or the fire department. No liquefied petroleum gas shall be dispensed from tank trucks or truck trailers to consumer vehicles.~~

~~(d) — The provisions of subsection (a) above shall not apply to liquefied petroleum gas systems actually installed and in use as of the effective date of Ordinance 5331 adopted September 6, 2005.~~

~~Sec. 5.04.006 — Plans and specifications for installations~~

~~(a) — Prior to the installation of any liquefied petroleum gas system within the city, plans and specifications for such installation, in duplicate, shall be submitted to the department of code enforcement and the fire marshal. Upon completion of the examination, one (1) copy of the proposed plans will be returned marked for correction or tentative approval by the inspecting authority.~~

~~(b) — Piping, pipefittings, appliances and other equipment designed or intended for the distribution of liquefied petroleum gas shall not be installed, repaired, extended or altered until a detailed set of plans and specifications for such use and equipment has been filed and approval obtained.~~

~~Sec. 5.04.007 — Inspection and approval of distribution equipment~~

~~Piping, pipefittings, appliances and other equipment for the distribution of liquefied petroleum gas shall not be placed in service until after the same have been tested, inspected and approved by the fire marshal and a propane service provider licensed and certified by the railroad commission.~~

~~Sec. 5.04.008 — License to transfer from one container to another~~

~~A license from the office of the fire marshal shall be required for any individual to transfer liquefied petroleum gas from one (1) container to another within the city. No fee will be charged for this license. Before the license is issued, the applicant must satisfactorily demonstrate to the inspecting authority his ability to transfer liquefied petroleum gas. Such license shall be valid for a period of one (1) year from the date of issue and may be revoked by the inspecting authority for any just cause. Such license shall not be transferable.~~

~~Sec. 5.04.009 — Fire extinguishers at liquefied petroleum gas container installations~~

~~Each liquefied petroleum gas container storage installation for liquefied petroleum gas shall be provided with fire extinguishers of a type and size and at locations approved by the fire marshal. Extinguishers shall be at all times fully charged and shall be kept in good mechanical condition.~~

~~Sec. 5.04.010 — Notice of defective or improperly installed or operated equipment~~

~~Whenever liquefied petroleum gas equipment is found to be defective or improperly installed or is being handled or operated in such a manner as to become a menace to the public safety or~~

~~welfare, the same may be deemed a nuisance by the inspecting authority by the serving of a written notice upon the owner thereof or upon the person having control thereof on the premises whereupon the matter covered in such notice shall be immediately remedied or abated.~~

~~Sec. 5.04.011 — Permit to operate delivery vehicle on other than designated truck route~~

~~No tank truck, tank trailer or other vehicle of any type used for the purpose of transporting liquefied petroleum gas within the corporate limits of the city shall be driven into or upon any street, lot, building or other area other than a designated truck route, without first securing a permit from the fire marshal.~~

~~Sec. 5.04.012 — Parking of delivery vehicles on designated truck routes~~

~~No tank truck, tank trailer or other vehicle of any type used for the purpose of transporting liquefied petroleum gas shall park longer than thirty (30) minutes on any designated truck route within the corporate limits of the city.~~

~~Secs. 5.04.013 5.04.030 — Reserved~~

SECTION 2. That Chapter 5, Article 5.04 of the Code of Ordinances, entitled “Liquefied Petroleum Gas”, be and is hereby amended to read as follows:

ARTICLE 5.04 LIQUEFIED PETROLEUM GAS

Sec. 5.04.001. Adoption of Liquefied Petroleum Gas Safety Rules.

The City hereby adopts the Liquefied Petroleum Gas Safety Rules previously adopted by the Texas Railroad Commission, including any and all future amendments thereto.

Sec. 5.04.002. Exclusive Regulation.

The Liquefied Petroleum Gas Safety Rules adopted under Sec. 5.04.001 and the rules and standards, if any, promulgated with the permission of the Texas Railroad Commission’s executive director shall be the City’s exclusive regulations for Liquefied Petroleum Gas.

Sec. 5.04.003. Construction of City Codes.

All ordinances, orders, rules, or codes adopted by the City shall be construed in a manner consistent with Article 5.04 on all matters relating to Liquefied Petroleum Gas.

Sec. 5.04.004. Conflict With City Codes.

In the event of conflict between any ordinance, order, rule, or code adopted by the City and Article 5.04, Article 5.04 shall control.

Sec. 5.04.005. Adoption of Rules, Regulations, Policies, Practices, Procedures, or Standards.

City staff shall not adopt or enforce any rule, regulation, practice, policy, procedure, or standard that conflicts with Article 5.04.

Sec. 5.04.006. Construction Consistent With Texas Railroad Commission.

Article 5.04 shall not be construed so as to conflict with the Texas Railroad Commission's interpretation of the Liquefied Petroleum Gas Safety Rules, including any and all future amendments thereto.

SECTION 3. That all ordinances or parts thereof regulating or purporting to regulate liquefied petroleum gas be, and hereby are, repealed to the extent that such ordinances or parts thereof relate to liquefied petroleum gas.

SECTION 4. That if any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of the ordinance.

SECTION 5. That it is the intention of the City Council of the City of Sherman, Texas, that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Sherman, Texas, and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2017.

ADOPTED on this the _____ day of _____, 2017.

EFFECTIVE DATE on this the _____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.6.

Meeting Date: 04/17/2017

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

ADOPTION OF ORDINANCES

Consider Adoption of Ordinance Numbers: 6021, 6022, 6023 and 6024

Issue:

C. 2. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6021 (UNDER APPEAL FROM P&Z)

Amending Section 12, Ordinance No. 2280, so as to Include Certain Properties within the R-2 (Multi-Family Residential) District in the 3800-4000 blocks of Quail Run Road and the 1100-1300 blocks of South F.M. 1417 (Heritage Parkway), being Lot 2, Block A, Country Ridge Estates No. 10, containing 26.078 acres (Graham Mortgage Corporation, Owners; Michael R. Coker Company, Representative; and Archon Corporation, Architect)

C. 3. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6022

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in an M-1 (Light Manufacturing) District/O-1.1 (F.M. 1417 Overlay) District at 1711 North F.M. 1417 (Heritage Parkway), Suite 700, being Part of Block 1, Western Hills Addition, Section 5 (Spavinaw Development, LLC, Owners; Ayush Corp, DBA Thumbs Up Liquor & Tobacco, Tenant; and Vipani Soni, Representative); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 4. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6023

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow a Liquor Store in a C-1 (Retail Business) District/O-1 (75 & 82 Overlay) District at 2916 North U.S. Highway 75, Suite 100, being Lot 4, Shafer Plaza (Tava Property, LLC, Owners; Nandi Bhattarai, Applicant; and Reggis Liquor #75, Tenant); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

C. 5. INTRODUCTION AND PUBLIC HEARING OF ORDINANCE NO. 6024

Repealing Ordinance No. 5878 in its Entirety; Amending Chapter 5 of the Code of Ordinances, entitled “Fire Prevention and Protection”, Article 5.04, entitled “Liquefied Petroleum Gas”, to Regulate Liquefied Petroleum Gas within the City’s Jurisdiction, Adopting the Texas Railroad Commission’s LP-Gas Safety Rules in Conformity with Section 113.054 of the Natural Resources Code; Repealing all Other Ordinances or Parts Thereof Purporting to Regulate Liquefied Petroleum Gas within the City’s Jurisdiction Only to the Extent that Such Other Ordinances or Parts Thereof Relate to Liquefied Petroleum Gas



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.7.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

TABLED AT THE FEBRUARY 6, 2017 CITY COUNCIL MEETING:

ADOPTION OF ORDINANCE NO. 6009

Amending Section 8, Subsection (5)(a), Ordinance No. 2280, so as to Grant a Specific Use Permit to Allow Truck Repair, Storage, Rental and Office for Ryder Trucks and a General Contractor's Office and Storage Facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District at 4613 North F.M. 1417 (Heritage Parkway), being 17.60 acres in the Alfred Humes Survey, Abstract No. 522 (Sapphire Group, LLC, Owners; Kyle Boothe, Representative; and Bluestone Drafting & Design, Designer); Providing that this Specific Use Permit Shall be Granted Subject to Certain Conditions; Providing a Penalty Not to Exceed \$2,000.00

Issue:

Ordinance No. 6009 was tabled following introduction and public hearing at the February 6, 2017 City Council meeting. A motion and order are required to remove the item from the table and permit its consideration by the City Council.

To consider the request of Sapphire Group LLC (Owners), Kyle Boothe (Representative), and Bluestone Drafting & Design (Designer) concerning the property located at 4613 North F.M. 1417 (Heritage Parkway), being 17.60 acres in the Alfred Humes Survey, Abstract No. 522, for a Specific Use Permit to allow truck repair, storage, rental and office for Ryder Trucks and a General Contractor's Office and storage facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District

Background:

The property is located at 4613 North F.M. 1417 (Heritage Parkway) between U.S. Highway 82 and Plainview Road; Texas Electric Utilities was one of the previous tenants. It was used as their main construction offices, storage warehouses, assembly shops, communications center and fleet maintenance shops. The metal buildings on the property were specifically designed for each of the above mentioned uses and make up approximately 26,000 square foot of space. The property is zoned a C-2 (General Commercial) District and is also located in the O-1.1 (FM 1417 Overlay) District. The owners are requesting a Specific Use Permit for Ryder Trucks for truck repair, storage, rental, and office. Bluestone Partners would also like to keep the professional office to be used as a general contractor's office and storage facility.

- At the January 17, 2017 regular meeting, the Planning and Zoning Board voted 8/0 to recommend to the City Council that the Specific Use Permit be approved subject to the Staff Review Letter.
- At the February 6, 2017 meeting, the City Council tabled Ordinance No. 6009 to see if a plan to comply with the Overlay District standards could be worked out.
- On April 10, 2017, Mr. Kyle Booth of Bluestone Partners, LLC requested the opportunity to present the City Council with a proposal to resolve all issues with the Specific Use Permit (see attached e-mail communication).

Origination:

Sapphire Group LLC (Owners)
Kyle Boothe (Representative)
Bluestone Drafting & Design (Designer)

Financial Consideration:

None

Staff Recommendation:

It is the staff's recommendation that the City Council, **by motion and order**, remove the item from the table and consider adoption of Ordinance No. 6009.

Alternatives:

The City Council could decide not to remove the item from the table or deny the request.

Attachments

E-Mail from Kyle Booth of Bluestone Partners, LLC dated April 10, 2017
Ordinance No. 6009
Location Map
Zoning Map
Zoning Sign Photo
Narrative
Site Plan
Elevations
Staff Review Letter
P&Z Communication

Cloer, Pam

From: Kyle Boothe <kyleboothe@bluestone.ws>
Sent: Monday, April 10, 2017 4:08 PM
To: Cloer, Pam
Subject: FW: 4613 N FM 1417
Attachments: rendering.jpg

Hi Pam, I was just able to talk to Scott Sadden about my email below. He told me to just email you and ask to be back on the next agenda for the City Council to review. Can you get me on that agenda and let me know what else you need from me? Thanks so much!!

Kyle Boothe

Bluestone Partners, LLC
4708 N. FM 1417
Sherman, TX 75092
Cell-903.819.1835
Office-903.813.1415
Fax-903.893.2124
kyleboothe@bluestone.ws

From: Kyle Boothe [mailto:kyleboothe@bluestone.ws]
Sent: Thursday, March 23, 2017 3:35 PM
To: 'scotts@ci.sherman.tx.us' <scotts@ci.sherman.tx.us>
Subject: 4613 N FM 1417

Scott,

After visiting the site with Jason Sofey and talking to others on the Council, below is what we would like to offer to do to the building to upgrade the look.

1. Take down the large radio antenna and all angled support lines
2. Paint the rusted exterior conduits and other rusted areas to match the existing metal panels on the side of the building
3. Paint the Blue garage door on the north side to match the building and blend in better
4. Add 4 awnings (3 above windows and 1 above office entrance door) – see attached rendering
5. Add a few trees and bushes along the west fence line to improve the curb appeal and hide some of the garage doors on the south side

In return we would want the wording of our exceptions, etc. to be more like the below (I may need your help to word this properly). We would also want to eliminate the 5 year requirement and would want the exceptions to run with the property so we do not have to go through this process in the future. We are happy to commit to maintaining the landscaping, awnings, paint, etc. to keep a good looking, clean curb appeal.

Exception to allow existing metal buildings and current site conditions in lieu of requirements of 1417 Overlay district. The five items listed above must be completed.

Specific Use Permit and site plan approval to allow truck repair, rental, storage, fleet maintenance, professional/general office space, General Contractor's Office and storage facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District

Let me know what else you need from me to help present this to the council and finalize. Thanks for your help.

Kyle Boothe

Bluestone Partners, LLC

4708 N. FM 1417

Sherman, TX 75092

Cell-903.819.1835

Office-903.813.1415

Fax-903.893.2124

kylebooth@bluestone.ws



ORDINANCE NO. 6009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AMENDING SECTION 8, SUBSECTION (5)(A), ORDINANCE NO. 2280, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW TRUCK REPAIR, STORAGE, RENTAL AND OFFICE FOR RYDER TRUCKS AND A GENERAL CONTRACTOR'S OFFICE AND STORAGE FACILITY IN A C-2 (GENERAL COMMERCIAL) DISTRICT/O-1.1 (FM 1417 OVERLAY) DISTRICT AT 4613 NORTH F.M. 1417 (HERITAGE PARKWAY), BEING 17.60 ACRES IN THE ALFRED HUMES SURVEY, ABSTRACT NO. 522 (SAPPHIRE GROUP, LLC, OWNERS; KYLE BOOTHE, REPRESENTATIVE; AND BLUESTONE DRAFTING & DESIGN, DESIGNER); PROVIDING FOR A REPEALER CLAUSE; PROVIDING THAT THIS SPECIFIC USE PERMIT SHALL BE GRANTED SUBJECT TO CERTAIN CONDITIONS; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Planning and Zoning Commission and the City Council, in accordance with the state law and the ordinances of the City of Sherman, have given the required notices and have held the required public hearings regarding this Specific Use Permit; and

WHEREAS, the City Council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council finds that it is in the public interest to grant this specific use permit, subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS;

SECTION 1. That, from and after the passage of this ordinance, Sapphire Group, LLC (Owners), Kyle Boothe (Representative) and Bluestone Drafting & Design (Designer) are granted a Specific Use Permit to allow truck repair, storage, rental and office for Ryder Trucks and a General Contractor's Office and storage Facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District at 4613 North FM 1417 (Heritage Parkway), and that Section 8, Subsection (5)(a), Ordinance No. 2280 is hereby amended so as to hereafter include the following described property:

SITUATED in the County of Grayson, State of Texas, being a part of the Alfred Hume Survey, Abstract No. 522, the Benjamin Survey, Abstract No. 21, being all of a 10.000 acre tract of land conveyed by Michael C. McRae, and Phillip J. McRae to David Estes,

et ux by deed dated July 31, 1984, recorded in Volume 1708, Page 101, Deed Records, Grayson County, Texas, being a part of a 13.15 acre tract of land described first in deed from Freels Family Limited Partnership, and Joe H. Stout Family Limited Partnership to Estes Properties, Inc., dated March 22, 2000, recorded in Volume 2907, Page 701, Official Public Records, Grayson County, Texas, and being a part of a 119.69 acre tract of land conveyed by Lyle H. Jeans, II to Estes Properties, Inc. by deed dated May 23, 2000, recorded in Volume 2939, Page 154, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows to-wit:

BEGINNING at a found ½ inch rebar maintaining the Northwest corner of said 10.000 acre tract, the Southwest corner of a 19.361 acre tract of land described in Tract II in deed from Charles Munson to James W. Langford, Trustee, dated August 15, 1985, recorded in Volume 1764, Page 738, Deed Records, Grayson County, Texas, on the East right-of-way line of F.M. Highway No. 1417;

THENCE North 89 deg. 45 min. 57 sec. East, with the North line of said 10.00 acre tract, the South line of said 19.361 acre tract, passing its Southeast corner, the Southwest corner of a 10.000 acre tract of land described first in said deed to James W. Langford, Trustee, recorded in Volume 1764, Page 738, and continuing with the South line of said Langford 10.000 acre tract for a total distance of 1224.89 feet to a found 3/8 inch rebar maintaining the Northeast corner of said Estes 10.000 acre tract, the Southeast corner of said Langford 10.000 acre tract the East line of said Hume Survey, a West line of both said Atchison Survey, and 119.69 acre tract;

THENCE South 01 deg. 58 min. 54 sec. West, with the East line of both said Estes 10.000 acre tract, and Hume Survey, a West line of both said Atchison Survey, and 119.69 acre tract, at a distance of 372.73 feet passing the Southeast corner of both said Estes 10.000 acre tract, and Hume Survey, and ell corner of both said Atchison Survey, and 119.69 acre tract, and continuing for a total distance of 774.87 feet to a set ½ inch rebar;

THENCE South 84 deg. 30 min. 36 sec. West, at a distance of 408.27 feet passing the East end of a chain link fence, and continuing with the general line of said chain link fence, passing a West line of both said Atchison Survey, and 119.69 acre tract, the East line of both said 13.15 acre tract, and Hutson Survey, and continuing for a total distance of 657.03 feet to a chain link fence corner post;

THENCE North 04 deg. 08 min. 41 sec. West, with the general line of a chain link fence, a distance of 362.41 feet to a chain link fence corner post;

THENCE North 89 deg. 05 min. 35 sec. West, with the general line of a chain link fence, a distance of 384.62 feet to a chain link fence corner post on the West line of said 13.15 acre tract, the East right-of-way line of said F.M. Highway No. 1417;

THENCE in a Northwesterly direction with the East right-of-way line of said F.M. Highway No. 1417, the West line of said 13.15 acre tract, and with a curve to the right

having a radius of 5669.57 feet, (chord bears North 16 deg. 00 min. 19 sec. West, 483.46 feet), passing the Northwest corner of said 13.15 acre tract, the North line of said Hutson Survey, the South line of said Hume Survey, the Southwest corner of said 10.000 acre tract, and continuing for a total distance of 483.60 feet to the **PLACE OF BEGINNING, and containing 17.60 ACRES OF LAND more or less.....**

SECTION 2. That this specific use permit is granted on the following conditions:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.1 (FM 1417 Overlay) District, sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Masonry or equivalent shall be required on the sides of all commercial buildings unless an exception is granted.
3. A parking space is considered to be 9’x20’.
4. All parking shall be on private property and shall not encroach into FM 1417 (Heritage Parkway) right-of-way.
5. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
6. Shall comply with all EPA, City, Federal and State regulations for this use.
7. No outside storage of materials or dismantled vehicles, wrecks or parts is allowed.
8. Violation of the conditions of the SUP will terminate the Specific Use Permit.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

11. New drive approaches must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
12. New drive approaches shall be approved with TXDOT.
13. Parking will be permitted on private property only.
14. Parking will be permitted on improved surfaces only.

SECTION 3. That this ordinance shall not become effective until entered upon the official zoning map as provided in Section 8, Subsection (5)(a), Ordinance No. 2280.

SECTION 4. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.00.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

INTRODUCED on this the _____ day of _____, 2017.

ADOPTED on this the _____ day of _____, 2017.

EFFECTIVE DATE on this the _____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

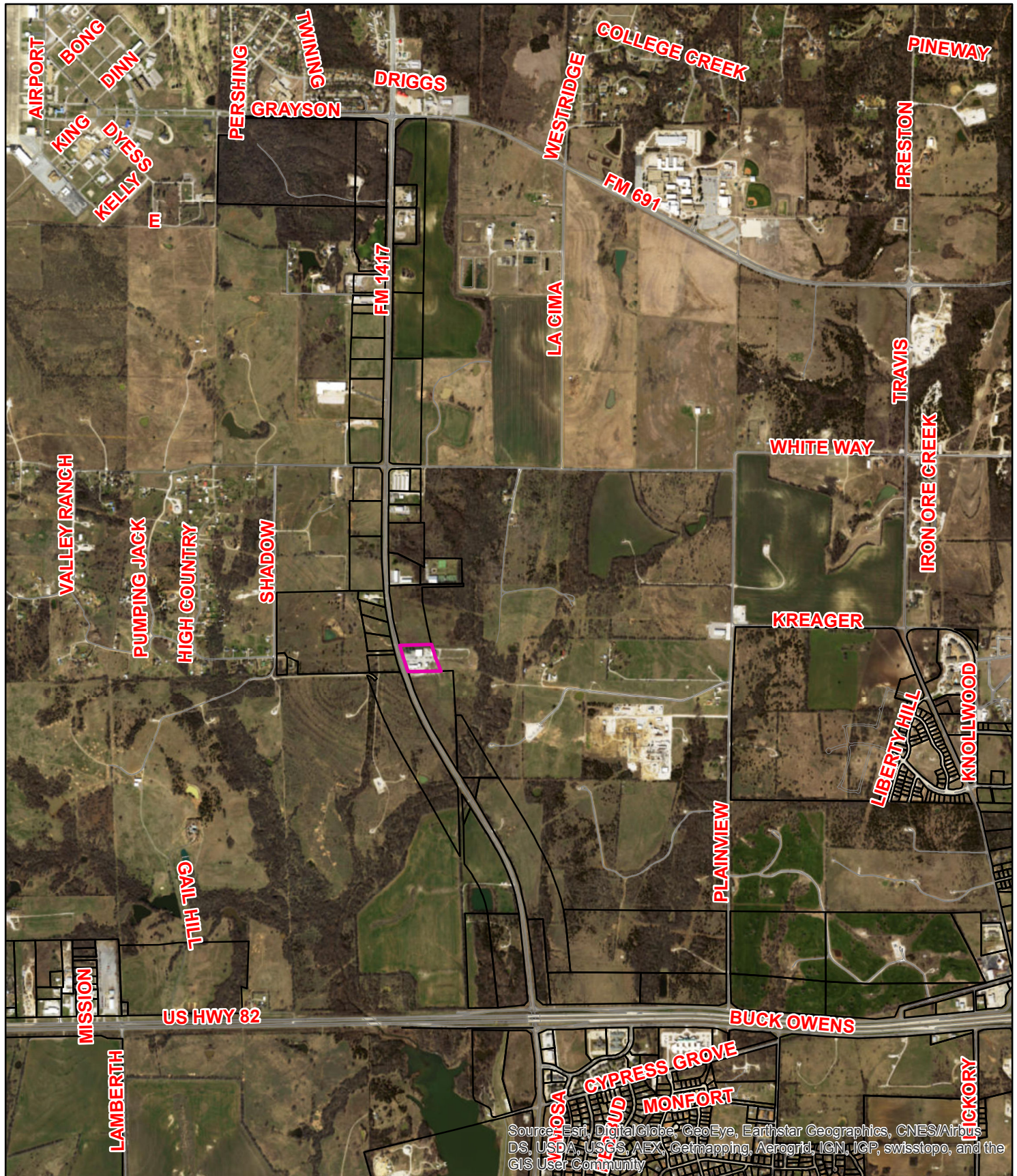
BY: _____
DAVID PLYLER, MAYOR

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



4613 N. FM 1417 (Heritage Parkway)



1 in = 2,000 ft



1 in = 400 ft

4613 N. FM 1417 (Heritage Parkway)



Bluestone Partners, LLC.

4708 N. FM 1417

Sherman, TX 75092

903-813-1415

12/22/16

Planning & Zoning Commission Members

City of Sherman

220 W. Mulberry St.

Sherman, TX 75090

Dear Planning & Zoning Commission Members,

Please review the following comments concerning the potential use of the property at 4613 N. FM 1417. This facility falls within the O-1.1 (F.M. Highway 1417) Overlay District. The property is currently owned by Sapphire Group, LLC. Sapphire is made up of 36 investors, of which 30 are local to the Sherman area. It is by their request that we are seeking specific use permits to allow for tenants to continue uses that the facility was originally designed for. Bluestone, as managers of the facility, would like to do this in such a way that will not be cost prohibitive, but will allow us to improve the property from its current condition. By doing so, we believe that it will improve the area aesthetically and help bring industry and jobs to the city.

Previously, this facility was owned by Texas Electric. It was used as their main construction offices, storage warehouses, assembly shops, communications center, and fleet maintenance shops. The metal buildings on the property were specifically designed for each of the above mentioned uses and make up about 26,000 SF of space. There are no neighboring improvements (residential or commercial) on the surrounding properties. The entrance to this facility are marked with TXDOT signs which read "Plant Entrance" for north and south traveling traffic.

We are requesting a Specific Use Permit for multiple tenants that are interested in leasing buildings on the property. The first, Ryder Trucks, has leased a location on Texoma Parkway since the late 70's. Their facility now is less than ideal and does not reflect the standard of quality Ryder is known internationally for. Bluestone has represented Ryder in their search for a new facility over the past year. When Sapphire Group's property came available Ryder realized it was a good option and needs to make a decision to stay in Sherman or not. Their use would be truck repair, storage, rental, and office. Bluestone would also like to keep the professional office to be used as a General Contractor's office and

storage facility. There has also been serious interest from IT companies, lumber wholesale distributors, RV repair, and landscaping companies.

We have read and are familiar with the requirements of the 1417 Overlay district in regards to building design, placement, landscaping, screening, and uses. Many of these requirements directly relate to new construction and development. Bluestone is pleased with the requirements as they dictate design features and uses along F.M. 1417, but do not think it should be applied word for word to an existing facility of this size or location. If this property were held to the standards of the overlay district the following list would not meet the requirements:

- Metal roofs of 26,000+SF are not standing seam metal
- Would not contain four of the Architectural Features List for each building
- 85% masonry on each building (which would account for approximately 40,000 sq. ft. of already existing façade)
- Possible Screening on a large 17 acre tract with no neighbors
- Parking (This property has a variance allowing parking on gravel)

After the original owner discontinued occupying the property tenants included Willbros Utility T&D and Plains All American Pipeline. Plains All American Pipeline is a multi-billion dollar, publicly traded company that had the responsibility for the maintenance of the property. They neglected this responsibility for years and it has negatively affected the 17 acre facility. Sapphire Group has a history of improving properties in Sherman, specifically along F.M. 1417. A few of their past and current projects include the remodel and operation of Traditions Assisted Living & Memory Care, Overland Office Park, and now Heritage Row Townhomes on Woods St. Sapphire's goal is to bring the property to a "like new" condition. Much maintenance has already been completed and the property has improved drastically. There are still plans to repair fences, gates, overhead doors, exterior lighting, improve current landscaping and add additional trees and bushes, additional cleaning, new paint, and continued maintenance.

Sapphire Group would like to move forward in a way that would allow for flexibility for multiple tenants on the property. We greatly value any advice from the commission members that may help to remedy the potential for this type of red tape. It is inherently difficult for potential tenants to commit to a property where many uses are prohibited without great effort and cost for approval. We look forward to discussing this further with each of you and welcome any questions or potential concerns you may have.

Sincerely,

Barry Boothe

Director of Real Estate

Bluestone Partners, LLC.



STAFF REVIEW LETTER

January 12, 2017

Sapphire Group, LLC
4708 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Kyle Boothe
4708 N. FM 1417 (Heritage Parkway)
Sherman, TX 75092

Dear Applicants,

The request for a Specific Use Permit to allow truck repair, storage, rental and office for Ryder Trucks and a General Contractor's Office and storage Facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District for the property located at 4613 North FM 1417 (Heritage Parkway) has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, January 17, 2017 at 5:00 P.M., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

Zoning:

1. All aspects of the C-2 (General Commercial) District, the O-1.1 (FM 1417 Overlay) District, sign ordinance and the Commercial Tree and Landscaping Ordinance must be followed.
2. Masonry or equivalent shall be required on the sides of all commercial buildings unless an exception is granted.
3. A parking space is considered to be 9'x20'.
4. All parking shall be on private property and shall not encroach into FM 1417 (Heritage Parkway) right-of-way.
5. Fire lanes and codes shall be coordinated with the Fire Marshal, (903.892.7267).
6. Shall comply with all EPA, City, Federal and State regulations for this use.
7. No outside storage of materials or dismantled vehicles, wrecks or parts is allowed.
8. Violation of the conditions of the SUP will terminate the Specific Use Permit.
9. Review the zoning and development ordinance for additional requirements.
10. Site plan approval is valid for a period of one year, if progress has not been made within that time period; resubmission to the Planning & Zoning Commission is required.

Engineering:

11. New drive approaches must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
12. New drive approaches shall be approved with TxDOT.
13. Parking will be permitted on private property only.
14. Parking will be permitted on improved surfaces only.

Any other changes made to the site plan prior to the final fulfillment of the conditions of the staff review, must be considered minor by the staff, as to not require resubmission to the Planning & Zoning Commission.

You are hereby notified to be present, either in person or by your authorized representative to present your request on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Scott Shadden at 903-892-7229 prior to the meeting.

Respectfully,



Scott Shadden
Secretary, Planning and Zoning Board and Board of Adjustment

CC: Robby Hefton, City Manager
Mark Gibson, Director of Utilities
Clint Philpott, P.E., Director Engineering
Don Keene, Asst. City Manager

Danny Fuller, Fire Marshal
Brandon Shelby, City Attorney
Steve Ayers, Dir. Of Community and Support Services
Amber Doan, Engineering Coordinator



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 16.

Meeting Date: 01/17/2017

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

4613 N. FM 1417 (HERITAGE PARKWAY)

The request of Sapphire Group LLC (Owners), Kyle Boothe (Representative) and Bluestone Drafting & Design (Designer) concerning the property located at 4613 N. FM 1417 (Heritage Parkway), being 17.60 in the Alfred Humes Survey, Abstract No. 522, as follows:

Board of Adjustments

Exception under Ordinance No. 2280, Section 6.8.1, Subsection (4)(b) to allow the existing metal buildings in lieu of the required masonry in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District.

Planning and Zoning Commission

Specific Use Permit and site plan approval under Ordinance No. 2280, Section 8, Subsection (5)(a) to allow truck repair, storage, rental and office for Ryder Trucks and a General Contractor's Office and storage Facility in a C-2 (General Commercial) District/O-1.1 (FM 1417 Overlay) District.

Background:

The property is located at 4613 North FM 1417 (Heritage Parkway) between U.S. Highway 82 and Plainview Road; Texas Electric Utilities was one of the previous tenants; it was used for their main construction offices, storage warehouses, assembly shops, communications center and fleet maintenance shops. The metal buildings on the property were specifically designed for each of the above mentioned uses and make up approximately 26,000 square foot of space. The property is zoned a C-2 (General Commercial District and is also located in the O-1.1 (FM 1417 Overlay) District. The owner is requesting a Specific Use Permit for Ryder Trucks for truck repair, storage, rental, and office. Bluestone Partners would also like to keep the professional office to be used as a General Contractor's Office and storage facility.

Adjacent Zoning:

C-2 (General Commercial) District
R-1 (One Family Residential) District

Origination:

Sapphire Group LLC (Owners)
Kyle Boothe (Representative)
Bluestone Drafting & Design (Designer)

Master Plan Designation:

Auto Urban Commercial – Require more land for parking than building floor area. Automobiles and parking are the most prominent features. Parking lots reduce building density and prevent any possibility of creating an enclosed space.

Number of notices mailed:

5

Objections Received:

0

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Narrative
Site Plan
Elevations
Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

C.8.

Meeting Date: 04/17/2017

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

CONSENT AGENDA

Asterisked (*) items are considered to be routine and will be enacted in one motion without discussion unless a Council Member or a citizen requests a specific item be discussed and voted on separately

Issue:

D. 4. * RESOLUTION NO. 6211

Authorizing Execution of an Agreement with Tobars Properties, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 409 East Wilson Avenue

E. 2. * OTHER BUSINESS

Authorizing Emergency Repairs to the Shepherd Drive 1 Woodbine Water Well

E. 3. * OTHER BUSINESS

Approve the Quarterly Investment Reports for Quarter Ended March 31, 2017

E. 4. * OTHER BUSINESS

Replat Approval of Tract 3, West Canyon Creek Estates, Section 3, being 24.611 acres in the James B. Vaden Survey, Abstract No. 122 and also being all of Tract 3, West Canyon Creek Estates, Section 3, West Canyon Creek Estates, LTD and Lynn Vessels, Owners; and Underwood Drafting and Surveying, Surveyor (4100-4200 blocks of West Lamberth Road)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.1.

Meeting Date: 04/17/2017

Prepared By: Don Keene, Assistant City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6208

Authorizing the Execution of a Professional Consulting Services Agreement with EIKON Consulting Group, LLC for the Design of City of Sherman Fire Station #4

Issue:

A contract for professional consulting services with EIKON Consulting Group, LLC (EIKON) to design the new Sherman Fire Station #4

Background:

Sherman Fire Station #4 was built in 1968 and has not undergone any significant renovations or improvements during that period. In order to better access/serve the south/southwest part of the City and its projected growth, the plan is to relocate Station #4 to a new 7 acre site on the west side of Northgate Drive, north of F.M. 1417, in Blalock Industrial Park. The site must be master planned for the fire station and possible other future uses. It is our desire to contract with EIKON for professional consulting services to design the new Sherman Fire Station #4 .

Origination:

City Managers Office

Financial Consideration:

The fee for professional consulting services will be \$342,900.00, with funding available in the Capital Improvement Program Fund.

Staff Recommendation:

It is recommended that the contract for professional consulting services with EIKON Consulting Group, LLC to design the new City of Sherman Fire Station #4 be approved.

Alternatives:

Those as may be directed by the City Council.

Attachments

Resolution No. 6208

Agreement for Professional Consulting Services

Proposal for Professional Consulting Services

RESOLUTION NO. 6208

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING THE EXECUTION OF A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH EIKON CONSULTING GROUP, LLC FOR THE DESIGN OF CITY OF SHERMAN FIRE STATION #4; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Professional Consulting Services Agreement with EIKON Consulting Group, LLC for the design of City of Sherman Fire Station #4, in accordance with all contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**



DESIGNING CONFIDENCE

EIKON SHORT FORM AGREEMENT

THIS AGREEMENT is made this 3rd day of April, 2017 by and between EIKON Consulting Group, LLC (hereinafter "EIKON") and the City of Sherman (hereinafter "Client"). Client and EIKON, for the consideration hereinafter set forth, hereby agree as follows:

1. Services of EIKON - EIKON agrees to provide the professional services described in Exhibit A attached hereto (hereinafter the "Services").
2. Schedule of Services - EIKON shall use professionally reasonable efforts to complete the Services in a timely fashion to meet Client's requirements. If the parties have agreed to a specific project schedule and specific milestone dates, such information will be set forth in Exhibit B attached hereto.
3. Responsibilities of Client - Client shall furnish or make available to EIKON any and all of its records, maps, or other data which are pertinent to EIKON's work. Client shall authorize and assist EIKON in obtaining any such pertinent information from other public and private sources. EIKON may use such information, requirements, reports, data, surveys and instructions in performing the Services and is entitled to rely upon the accuracy and completeness thereof. EIKON shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by the Client or any member of Client Group. As used herein the term "Client Group" means individually or in any combination Client, its affiliates, any subcontractors of Client, and their respective officers, directors, employees, partners, members, managers, representatives, agents, licensees, invitees and assignees.
4. Compensation - As compensation for the performance of the Services, Client shall pay EIKON its fees and expenses in accordance with Exhibit C attached hereto. Payments from Client to EIKON are due at the address appearing on the applicable invoice within 30 days following the invoice date. Invoices not paid by Client within 30 days of the invoice date will accrue interest from the 31st day at the rate of 1% per month (12% per annum) until paid. Client agrees that all amounts owed to EIKON by Client shall be paid by Client to EIKON on the date due (as specified herein), regardless of whether Client shall have any received payment, remuneration or other compensation from any third party.
5. Termination - This Agreement may be terminated by either party upon not less than seven (7) days written notice delivered to the other party at the notice address set forth on the signature page hereto. Either party may change its address for notices hereunder upon seven (7) days written notice to the other party. EIKON shall be compensated for all Services performed until EIKON's receipt of a written notice from the Client, plus any fees and/or costs reasonably necessary to properly terminate the Services and any projects associated therewith.
6. Relationship of Parties - EIKON is and shall at all times during the term of this Agreement be an independent contractor of Client. This Agreement and the relationship of the parties shall not be deemed to create or be one of employment, agency, partnership, joint venture or any other association and, except as otherwise set forth in a separate written agreement between the parties, neither party shall have any right, power or authority to create any obligations, express or implied, on behalf of the other.

7. Assignment - This Agreement is binding on the heirs, successors, and permitted assigns of the parties hereto. This Agreement may not be assigned by Client or EIKON without the prior written consent of the other. Any assignment without the prior written consent of the other party shall be null and void.

8. Standard of Care; Disclaimer of Warranties - The standard of care for all Services performed or furnished by EIKON under this Agreement will be the care and skill ordinarily used by the members of EIKON's profession practicing under similar conditions at the same time and in the same locality. **EIKON MAKES NO WARRANTIES, EXPRESS OR IMPLIED, UNDER THIS AGREEMENT OR OTHERWISE, IN CONNECTION WITH EIKON'S SERVICES. EIKON HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, OF ANY NATURE WHATSOEVER, WHETHER EXPRESS, IMPLIED OR OTHERWISE ARISING BY OPERATION OF LAW, TRADE, USAGE OR COURSE OF DEALING, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND AS TO QUALITY OR FITNESS FOR A PARTICULAR PURPOSE, WHETHER PROVIDED FOR UNDER THE LAWS OF THE STATE OF TEXAS OR ANY OTHER JURISDICTION, AND CLIENT HEREBY AGREES AND ACKNOWLEDGES THE FOREGOING EXPRESS DISCLAIMER AND FURTHER UNDERSTANDS THAT CLIENT SHALL HAVE NO FURTHER RECOURSE AGAINST EIKON OR ANY MEMBER OF THE EIKON GROUP (AS HEREINAFTER DEFINED) HEREIN.**

9. Insurance - EIKON shall procure and maintain worker's compensation and employer's liability insurance in accordance with requirements of the state in which the Services are being performed, comprehensive liability insurance (including contractual and contractor's protective liability coverage) with combined single limits of \$1,000,000 per occurrence for bodily injury and property damage; automobile liability coverage including owned and hired vehicles with a combined single limit of \$1,000,000 per occurrence for bodily injury and property damage and professional liability insurance in the amount of \$2,000,000 per claim/annual aggregate.

10. INDEMNIFICATION -

(A) CLIENT WILL INDEMNIFY, DEFEND AND HOLD EIKON AND EACH MEMBER OF EIKON GROUP HARMLESS ON A COMPARATIVE BASES FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LEGALLY RECOVERABLE DAMAGES, LEGALLY RECOVERABLE COSTS AND EXPENSES, ACTIONS, PROCEEDINGS, LIABILITIES OR LOSSES, OF WHATSOEVER NATURE (INCLUDING REASONABLE ATTORNEY'S FEES), FOR ANY INJURY TO OR DEATH OF PERSONS, OR FOR DAMAGE OR LOSS TO PROPERTY OF EIKON, CLIENT OR A THIRD PARTY ARISING OUT OF ANY NEGLIGENCE OR WILLFUL MISCONDUCT OF CLIENT OR ANY MEMBER OF CLIENT GROUP. CLIENT WILL, ON EIKON'S REQUEST, DEFEND ANY ACTION, CLAIM OR SUIT ASSERTING A CLAIM COVERED BY THIS SECTION 10(A). AS USED HEREIN "EIKON GROUP" MEANS INDIVIDUALLY OR IN ANY COMBINATION EIKON, ITS AFFILIATES, ANY SUBCONTRACTORS OF EIKON, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, PARTNERS, MEMBERS, MANAGERS, REPRESENTATIVES, AGENTS, LICENSEES, INVITEES AND ASSIGNEES.

(B) EIKON WILL INDEMNIFY, AND HOLD CLIENT AND EACH MEMBER OF CLIENT GROUP HARMLESS ON A COMPARATIVE BASES FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LEGALLY RECOVERABLE DAMAGES, LEGALLY RECOVERABLE COSTS AND EXPENSES, ACTIONS, PROCEEDINGS, LIABILITIES OR LOSSES, OF WHATSOEVER NATURE (INCLUDING REASONABLE ATTORNEY'S FEES), FOR ANY INJURY TO OR DEATH OF PERSONS, OR FOR DAMAGE OR LOSS TO PROPERTY OF CLIENT, EIKON OR A THIRD PARTY ARISING OUT OF ANY NEGLIGENCE OR WILLFUL MISCONDUCT OF EIKON OR ANY MEMBER OF EIKON GROUP. EIKON WILL, ON CLIENT'S REQUEST, DEFEND ANY ACTION, CLAIM OR SUIT ASSERTING A CLAIM COVERED BY THIS SECTION 10(B).

11. LIMITATION ON LIABILITY - IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE SERVICES TO BOTH THE CLIENT AND EIKON, THE RISKS HAVE BEEN ALLOCATED SUCH THAT THE CLIENT AGREES THAT THE TOTAL AGGREGATE LIABILITY

OF EIKON GROUP TO CLIENT AND ANY MEMBER OF CLIENT GROUP FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES OR DAMAGES WHATSOEVER ARISING OUT OF, OR IN ANY WAY RELATED TO, THE SERVICES OR THIS AGREEMENT FROM ANY CAUSE OR CAUSES WHATSOEVER INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT SHALL NOT EXCEED THE GREATER OF (I) THE TOTAL COMPENSATION RECEIVED BY EIKON UNDER THIS AGREEMENT OR (II) AN AMOUNT EQUAL TWO TIMES (2X) THE TOTAL AGGREGATE FEES SET FORTH ON EXHIBIT C ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE. IF FOR ANY REASON THIS CLAUSE IS DEEMED UNENFORCEABLE THEN LIABILITY SHALL NOT EXCEED THE AVAILABLE LIMITS OF INSURANCE PURSUANT TO PARAGRAPH (9).

12. No Personal Liability - Notwithstanding any other provision of this Agreement to the contrary, no member of the EIKON Group shall be personally liable to Client or any member of Client Group, regardless of the cause of action asserted, including, without limitation, breach of contract, warranty, guarantee, products liability, negligence, tort, strict liability, or any other cause pertaining to the Services or EIKON's performance or non-performance of the Agreement. Client for itself and on behalf of each member of Client Group, agrees that subject to the terms, conditions and limitations of this Agreement, it and each member of Client Group will look solely to EIKON for its remedy, subject to paragraph (11), for any claim arising out of or related to the Services or this Agreement

13. Corporate Protection- It is intended by the parties to this Agreement that EIKON's Services shall not subject EIKON's individual employees, officers, members, managers, agents or directors to any personal legal exposure for the risks associated with the Services or the project to which the Services are related. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees for and on behalf of itself and each member of Client Group that the sole and exclusive remedy of Client or any member of Client Group for any claim, demand or suit arising out of this Agreement or the Services shall be directed and/or asserted only against EIKON, and not against any of EIKON's individual employees, officers, members, managers, agents or directors.

14. NO CONSEQUENTIAL DAMAGES - IN NO EVENT SHALL EIKON BE LIABLE TO CLIENT OR ANY MEMBER OF CLIENT GROUP , WHETHER BASED ON CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, PRODUCTS LIABILITY, WARRANTY, GUARANTY OR OTHERWISE, FOR ANY SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL LOSS OR DAMAGE OR OTHER SIMILAR DAMAGES (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS, LOSS OF PROFITS OR REVENUE, LOSS OF USE OF EQUIPMENT, LOSS OF PRODUCTION, ADDITIONAL EXPENSES INCURRED IN THE USE OF THE EQUIPMENT AND FACILITIES AND CLAIMS OF CUSTOMERS OF THE CLIENT OR ANY MEMBER OF CLIENT GROUP) OF ANY NATURE ARISING AT ANY TIME OR FROM ANY CAUSE WHATSOEVER OR FOR ANY PUNITIVE OR EXEMPLARY DAMAGES OF CLIENT OR ANY MEMBER OF CLIENT GROUP.

15. Hazardous Materials: Suspension of Services - BOTH PARTIES ACKNOWLEDGE THAT EIKON'S SCOPE OF SERVICES DOES NOT INCLUDE ANY SERVICES RELATED TO THE PRESENCE OF ANY HAZARDOUS MATERIALS (AS DEFINED BELOW). IN THE EVENT EIKON OR ANY MEMBER OF EIKON GROUP INVOLVED IN PROVIDING OR PERFORMING THE SERVICES ENCOUNTERS ANY HAZARDOUS MATERIALS, OR SHOULD IT BECOME KNOWN TO EIKON OR ANY MEMBER OF EIKON GROUP THAT HAZARDOUS MATERIALS MAY BE PRESENT ON OR ABOUT THE JOBSITE OR ANY ADJACENT AREAS THAT MAY AFFECT THE PERFORMANCE OF EIKON'S SERVICES, EIKON MAY, AT ITS SOLE OPTION AND WITHOUT LIABILITY FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE, EXEMPLARY OR ANY OTHER DAMAGES, SUSPEND PERFORMANCE OF ITS SERVICES UNDER THIS AGREEMENT UNTIL THE CLIENT RETAINS APPROPRIATE QUALIFIED CONSULTANTS AND/OR CONTRACTORS TO IDENTIFY AND ABATE OR REMOVE THE HAZARDOUS MATERIALS AND WARRANTS THAT THE JOBSITE IS IN FULL COMPLIANCE WITH ALL

APPLICABLE LAWS AND REGULATIONS. The term “Hazardous Materials” means, without limitation, those substances or materials defined as “hazardous substances”, “hazardous waste”, “toxic substances”, or “pollutant or contaminant” in any of the Environmental Laws (as defined below), as well as such other substances as are subsequently determined legislatively, judicially, or administratively, to be harmful or deleterious to the physical environment or the public health. The term “Environmental Laws” means all applicable local, state, and federal laws, including common law, that relate to: (a) the prevention, abatement, or elimination of pollution, or the protection of the environment or natural resources; (b) the generation, handling, treatment, storage, disposal, release, or transportation of Hazardous Materials (as defined below), waste materials or hazardous or toxic substances; or (c) the regulation of, or exposure to, hazardous, toxic, or other substances alleged to be harmful, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U. S. C. § 9601, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §6901, *et seq.*; the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1251, *et seq.*; the Clean Air Act, 42 U.S.C. § 7401, *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. § 1501, *et seq.*; the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*; the Oil Pollution Act, 33 U.S.C. § 2701, *et seq.*; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001, *et seq.*; the Safe Drinking Water Act, 42 U.S.C. §§ 300f through 300j; the Endangered Species Act, 16 U.S.C. §1531, *et seq.*; and all similar laws of any Governmental Authority having jurisdiction over the property in question. This term expressly includes the regulations of the Texas Railroad Commission relating to plugging and abandonment, equipment purging and removal, and bonding requirements respecting inactive wells, 16. T.A.C. § 3.15, as well as regulations and interpretations of the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality relating to air emissions, pollution control, and permitting that have been, or may be, adopted.

16. Hazardous Materials Indemnity - THE CLIENT AGREES, NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, TO THE FULLEST EXTENT PERMITTED BY LAW, TO INDEMNIFY, DEFEND AND HOLD HARMLESS ON A COMPARATIVE BASES EIKON AND EACH MEMBER OF EIKON GROUP FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, DEMANDS, LIABILITIES, LOSSES, DAMAGES OR COSTS, INCLUDING REASONABLE ATTORNEYS’ FEES AND DEFENSE COSTS ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE DETECTION, PRESENCE, HANDLING, REMOVAL, ABATEMENT, OR DISPOSAL OF ANY HAZARDOUS MATERIALS THAT EXIST ON, ABOUT OR ADJACENT TO THE SITE OR SITES WHERE THE SERVICES ARE PERFORMED OR ARE TO BE PERFORMED, WHETHER LIABILITY ARISES UNDER BREACH OF CONTRACT OR WARRANTY, TORT, INCLUDING NEGLIGENCE, STRICT LIABILITY OR STATUTORY LIABILITY, REGULATORY OR ANY OTHER CAUSE OF ACTION, EXCEPT FOR THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF EIKON.

17. Mediation - The parties, as a condition precedent to commencing litigation (other than for the non-payment of EIKON’s fees), shall endeavor to resolve their claims by non-binding mediation which, shall be conducted in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Request for mediation shall be filed in writing with the other party to the contract and with the American Arbitration Association.

18. Other Agreements - (a) The Services to be performed by EIKON are intended solely for the benefit of Client and no benefit is conferred on, nor any contractual relationship established with any person or entity not a party to this Agreement; (b) any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties; (c) this Agreement (including Exhibits A, B, C and D, as applicable, attached hereto) represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters; (d) this Agreement shall not be amended, modified, supplemented or rescinded in any manner except by written agreement executed by the parties; (e) this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to the conflict of law provisions

thereof; (f) EIKON shall not be liable for any failure to perform or delay in the performance of the Services regardless of whether such delay results either directly or indirectly from: (i) accidents to, or breakdowns or mechanical failure of, EIKON's plant machinery or equipment; strikes or other labor troubles or labor shortages; fire; flood; wars; acts of the public enemy; acts of God; acts of terrorism; delays by any supplier; delays in transportation or lack of transportation facilities; embargoes; shortages of, or reductions in, energy sources; priorities, allocations, limitations, restrictions or other acts required or requested by federal, state, provincial or local governments, or any subdivision, bureau or agency thereof, or (ii) any other cause beyond the reasonable control of EIKON; (g) the failure of either party to insist in any one or more instances upon a strict performance of any of the terms, conditions and covenants hereof shall not affect or in any way impair the right of such party to require a strict performance of any such term, condition or covenant in the future; nor shall the waiver by either party of a breach of any term, condition, or covenant hereof in any instance be construed or held to be a waiver of such term, condition, or covenant, or of any succeeding breach of the same, or any other term, condition or covenant hereof; (h) all Exhibits attached to this Agreement are attached hereto and incorporated herein by reference for all purposes; and (i) this Agreement may be executed by the parties in counterparts and delivered by facsimile or electronic transmission, each of which so delivered shall be considered an original counterpart, and shall become a binding agreement when each party has executed one counterpart.

19. **CONSTRUCTION OBSERVATION** - To the extent expressly and specifically identified in Exhibit A, EIKON shall visit the site set forth on Exhibit D (the "Site") at intervals appropriate to the stage of construction, or as otherwise agreed to in writing by the Client and EIKON, in order to observe in general the progress and quality of the work, construction and other services (collectively "Work") completed by the contractor employed by Client to perform such Work (the "Contractor"). Such visits, if any, and observation are not intended to be an exhaustive check or a detailed inspection of the Contractor's work but rather are to allow EIKON to become generally familiar with the Work in progress and to determine, in general, if the Work is proceeding in accordance with the contracts, agreements, specifications, drawings and other documents describing and detailing the Work (collectively "Contract Documents"). Based on this general observation, EIKON shall keep the Client informed about the progress of the Work and shall advise the Client about observed deficiencies in the Work. If the Client desires more extensive project observation or full-time project representation, the Client shall request in writing that such services be provided by EIKON as services in addition to the Services. EIKON shall not supervise, direct or have control over the Contractor's Work nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor in accordance with the Contract Documents. EIKON shall not be responsible for any acts or omissions of the Contractor, any subcontractor, any entity performing any portions of the Work or any agents or employees of any of them. EIKON does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations. The parties hereto agree that in the event of any inconsistency in the language contained in Exhibit A hereto and in the terms of this Section 19, the language of Exhibit A shall govern and control in all respects. "Work" as used herein shall mean those systems and elements of the project within EIKON's scope of service as set out herein.

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the date set forth above.

EIKON

By: Brad Isbell
Name: Brad Isbell
Title: President
Date: April 3, 2017

Notice Address for EIKON:

EIKON Consulting Group, LLC
1405 W. Chapman
Sanger, Texas, 76266

CLIENT

By: _____
Name: _____
Title: _____
Date: _____

Notice Address for CLIENT:



DESIGNING CONFIDENCE

AGREEMENT FOR CONSULTING SERVICES

Date April 3, 2017

Client Don Keene
Assistant City Manager
City of Sherman
220 W. Mulberry Street
Sherman, Texas 75090

Project Name and Location City of Sherman Fire Station #4
Sherman, Texas

As requested, EIKON Consulting Group, LLC (EIKON) is pleased to submit this proposal for professional consulting services related to the above referenced project. Our proposed Scope of Services, Assumptions, Deliverables, Schedule, and Fee are outlined below.

General Project Description

We understand that the project is a new three bay fire station located in the Blalock Industrial Park in Sherman, Texas. The site is a seven acre site located on the west side of Northgate Drive, north of F.M. 1417. The new fire station will be replacing the current station #4 located at 100 E. Highway 1417. The budget for the project is \$3,000,000. The site will need to be master planned for the fire station, future training tower and future classroom/storage building. The classroom/storage building may be incorporated into the project if budget allows and will consist of apparatus storage, a 100 seat classroom and four offices. As we understand it, priorities are the fire station with storage for medical supplies and gear, etc., first and foremost with the classroom/storage building to follow and lastly the training tower. EIKON will master plan the entire site to include all components as feasible as possible on the seven acres. Should the master plan prove most efficient with more acreage we will advise the City of Sherman to consider discussions with the Sherman Economic Development Corporation. However, if limited the seven acres the master plan will still be performed for inclusion of all elements. At this time we understand the project will be bid.

Scope of Services (Exhibit A)

Descriptions of Specific Services

Architectural

- Master Planning
- Programming Verification
- Space Planning
- Code Review
- Egress Plan
- Floor Plans
- Elevations

- Reflected Ceiling Plans
- Wall Sections
- Details
- Development of Construction Documents
- Development of Specifications Manual
- Energy Code – Building Envelope COMCheck
- Accessibility Plan Review
- EIKON has included hours to attend up to nine (9) project design meetings with the Client.

Geotechnical Investigation

- Geotechnical subsurface investigation of proposed site
- EIKON will engage a third party subcontractor to complete borings as follows with truck mounted drilling equipment:
 - 3 borings to a depth of 25' beneath the proposed building site
 - 2 borings to a depth of 5' beneath the proposed pavement areas
 - *depths of borings may be modified depending on field conditions*
- EIKON will complete a maximum of one site visit in order to determine location of borings
- Firehouse assumed to be up to 15,000 sf; additional borings may be required if the building size increases.
- EIKON will complete testing on the soil samples with type and amount of testing to be determined by the Engineer:
 - Moisture Content, Atterberg Limits, Swell Tests, Unconfined Compression Testing, Pocket Penetrometer Readings, Determination of Suction Values, Hydrometer, % fine clay readings, % Passing #200 Sieve, Unit Weight Determinations
- Written Geotechnical Report to include:
 - Report and Recommendations for alternate foundation types, bearing values, Potential Vertical Movement estimates, and required soil modification to reduce the PVM for proposed site
 - Boring Logs with testing data

Civil

- EIKON will prepare construction plans that will include the building and site improvements suitable for construction and bidding. We assume water and sanitary sewer utilities are available adjacent to the site to serve this project. EIKON will prepare the following design plans:
 - Existing Conditions and Demolition Plan
 - Site and Dimensional Control Plan
 - Grading Plan
 - Existing and Proposed Drainage Area Maps
 - Paving and Striping Plan
 - Utility Plan
 - Storm Drain Plan
 - Site Construction Details
 - Utility Details
 - Erosion Control Details
- Permitting and approvals are anticipated to be limited to the City of Sherman. EIKON will respond to two (2) sets of City comments on design plans and resubmit to the City for approval.
- Development of Specifications

- EIKON has included hours to attend two (2) meetings with City Staff or their Consultant to coordinate the project through the submittal process and discuss design comments.

Landscape Architecture

- Landscape Design
- Irrigation design
- City Landscape Ordinance Compliance
- Development of Construction Documents
- Development of Specifications

Structural

- Foundation Plan
- Roof Framing Plan
- Details and Sections
- Development of Specifications

Mechanical, Electrical, Plumbing

- Lighting design
- Power, signal, and electrical distribution design
- Design of data, security, and communications systems infrastructure
- HVAC design
- Plumbing design
- Fire alarm performance specifications
- Fire protection performance specifications
- Energy code analysis for lighting and HVAC systems
- Development of Specifications

Construction Administration

- Permitting Assistance
- Bidding Assistance
- Checking shop drawings
- Construction Kickoff Meeting and Bi-Monthly Site Meetings with Contractor
- Answering RFIs
- Clarification Drawings as Requested
- Review Payment Applications
- Site Observations
- Project Close Out
- Accessibility Inspection Coordination

Typical Assumptions

- Client will provide necessary information for timely completion of the project.
- EIKON will not provide the following services:
 - Continuous on Site Observation or Quality Control of Contractor
 - Construction Materials Testing
- Special inspections (if required) shall be performed by a third party company.
- American Disabilities Act (ADA) or Texas Accessibility Standards (TAS) review will be required and will be a reimbursable expense.
- EIKON's fee assumes that the project will progress in a continuous and orderly fashion and we will expedite the project as much as practical. Significant project delays through no fault of EIKON may be basis for negotiation of additional fee for professional services.

- In the event that additional work is required in connection with this project, we propose to complete the work on an hourly basis at our current rates then in effect. Prior to the start of any new work, we will identify a Scope of Work with associated tasks, submit a budgetary cost estimate, and a proposed work schedule for your approval.
- Changes in design by the Client and/or the Owner/Architect after conceptual design is completed and/or after any City submittals and/or approvals will be an extra service requiring a separate proposal/extra work authorization.
- The Client will reimburse all required fees to any regulatory agencies for submission and or review.
- Construction as-built drawings are not included.

Geotechnical Assumptions

- Clearing to obtain access to testing site to be performed by a third party
- Additional site visits to repair/replace soil within test borings due to settlement. Soil will be replaced within each test boring hole, however it will not be to its original compaction. Settlement of the hole may occur or the hole may be washed out completely.
- Repair of pavement or grading of sites after completion of testing due to drilling rig causing damage to property due to the weight of the machine will be performed by a third party.
- Use of ATV Buggy rig to access the site due to soil and site conditions may be necessary. Additional cost will be associated with this service. This will only be competed after authorization from the client.
- Maximum of one site visit will be required for location of borings. Additional site visits required due to moving of buildings on site, determination of underground utility location by the client that may require borings to be moved, or other reasons outside the control of EIKON will be invoiced per current schedule of fees.

Civil Assumptions

- Onsite drainage will be designed as a collection and conveyance system using site grading and catch basins to connect to the existing drainage system.
- The existing onsite utilities have adequate capacity to serve the proposed facility. Sanitary sewer service and water supply will be provided by connection to the existing onsite utilities without any improvements or modification.
- Earthwork calculations will not be required.
- Platting will be done by the City of Sherman.
- All Survey requirements will be provided by the City of Sherman.
- Preparation and submittal of reports, calculations and drawings to FEMA for a proposed revision to the Flood Insurance Rate Map are not included. Should these be required, EIKON will submit a proposal or Extra Work authorization at the appropriate time for this work.
- We assume existing utility connections will be used. No extension of City mains is included in this scope. Should extension of existing City mains be desired, EIKON will submit a proposal or Extra Work Authorization for this design.
- No Traffic Impact Study is required.
- No Drainage Study is included in this proposal. Should such a study be required by the City of Sherman for this development, we will submit a proposal or Extra Work Authorization for this work.
- No Storm Water detention is required for this site. Storm Water detention for the development to be designed by others.
- No Rezoning is required for the site.

- The Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent/Termination (NOI/NOT) are assumed to be the responsibility of the Contractor. EIKON will provide a Recommended Erosion Control Plan and details only, which may be used by the Contractor for inclusion in his submittal.

Deliverables

- EIKON will deliver 4 sets of 30x42" size drawings to the client at Schematic Design Completion, 50%, 90% and 100% Issue for Construction (IFC) documents.
- EIKON will submit PDF format electronic drawings
- EIKON will deliver one set of record drawings

Fee (Exhibit B)

The Architectural, Mechanical, Electrical, Plumbing and Structural Engineering professional services fees are proposed as a percentage of construction costs.

The Master Planning, Civil Engineering, Landscape Design, Geotechnical Engineering and Cost Estimating professional services fees are proposed as fixed costs.

- Fire Station Fee to be 9.5% of the total construction cost of the building which is assumed to be \$3,000,000.00 = \$285,000.00. The final fee to be adjusted at the last billing when the actual costs are determined.
- Additional Services not included in the percentage fee:
 - o Master Planning of 7 Acre Site \$15,250.00
 - o Civil Engineering \$19,900.00
 - o Landscape Design \$6,200.00
 - o Geotechnical Engineering \$3,950.00
 - o Third Party Cost Estimating \$12,600

Fee Total: \$342,900

- Additional Services not included above that might be required and or requested by the owner:
 - o Additional Construction Administration- Site visits with construction observation increased to weekly - \$16,500

Out of pocket expenses will be billed at cost plus 10%. Reimbursable expenses such as costs of copies of drawings and reports, digital scans, printing, graphic boards or models, mileage and accommodations will be billed with a maximum not to exceed **\$25,000.00**

Thank you for considering EIKON for your consulting services. We look forward to working with you and your staff on this project. Should you have any questions regarding this proposal, please do not hesitate to contact us.

Sincerely,



Brad Isbell, P.E.
President



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.2.

Meeting Date: 04/17/2017

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6209

Authorizing Execution of a Second Amendment to the Fairview Elevated Water Tank Use Agreement with New Cingular Wireless PCS, LLC

Issue:

Approval of a Second Amendment to the Fairview Elevated Water Tank Use Agreement with New Cingular Wireless PCS, LLC (New Cingular)

Background:

New Cingular is requesting a modification to the existing Fairview Elevated Water Tank User Agreement to mount three additional antennas and associated ancillary equipment on the tank.

Origination:

Utility Administration

Financial Consideration:

The City will receive rent for the use of the Fairview tank of about \$3,441.19 per month, which is an increase of \$300.00 per month.

Staff Recommendation:

It is recommended that the Second Amendment be approved.

Alternatives:

As may be directed by the City Council

Attachments

Resolution No. 6209

Second Amendment to Fairview Elevated Water Tank Use Agreement

Aerial Location Map

RESOLUTION NO. 6209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE FAIRVIEW ELEVATED WATER TANK USE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute a Second Amendment to the Fairview Elevated Water Tank Use Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, in accordance with the terms and provisions of the contract documents attached hereto and made a part hereof for all purposes.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

Market: Central Region / North Texas
Cell Site Number: DX5382
Cell Site Name: Taylor / Ricketts
Fixed Asset Number: 10133702

SECOND AMENDMENT TO FAIRVIEW ELEVATED WATER TANK USE AGREEMENT

THIS SECOND AMENDMENT TO FAIRVIEW ELEVATED WATER TANK USE AGREEMENT ("**Amendment**"), dated as of the latter of the signature dates below, is by and between City of Sherman, a municipal corporation situated in Grayson County, Texas, having a mailing address of 220 West Mulberry, Sherman, TX 75090, ("**Landlord**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive NE, Suite 13-F West Tower, Atlanta, GA 30324 ("**Tenant**").

WHEREAS, Landlord and Tenant entered into a Fairview Elevated Water Tank Use Agreement dated December 8, 2009, and First Amendment to Fairview Elevated Water Tank Use Agreement dated December 6, 2012, whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at 405 West Dupree Street, Sherman, Texas 75092 (collectively, the "**Agreement**"); and

WHEREAS, Landlord and Tenant desire to adjust the rent in conjunction with modifications to the Agreement contained herein; and

WHEREAS, Landlord and Tenant desire to Amend the Agreement to allow for the installation of additional antenna equipment, associated cables and other communication instruments; and

WHEREAS, Landlord and Tenant desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, Landlord and Tenant, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. Rent: Commencing on June 1, 2017 (the Rent Commencement Date), Rent shall be increased by \$300.00 per month subject to the adjustments month subject to the adjustments as provided in the Agreement. Upon Rent Commencement Date the rent shall be \$3,441.19 per month for the equipment listed in Section 2 "Additional Antennas and Equipment." Annual increases of three (3%) of the previous year fee shall remain in effect through the term of this Agreement in accordance with 4.2 of the Original Agreement.

2. **Additional Antennas & Equipment.** Section 2 of the Agreement is amended as follows: Landlord consents to the installation and operation of up to 12 – antennas: (6) DBXLH-8585B-VTM (6) SNBHH-1D65C, 9 – RRUS: (3) RRUS-11, (3) RRUS-12, (3) RRUS-32 B66 (ADD), 12 TMA: - (9) ETD819G (3) Andrew E15S09P89, located on the Leased Property, associated cables and equipment including not limited to Squids: (3) DC6-48-60-18-8F, Fiber: (3) Fiber, Cables: (3) 3/8” RET CONTROL, (6) 7/8” DC POWER, Coax: (12) 1-5/8” COAX as depicted on Exhibit B.

3. **Notices.** Section 13 of the Agreement is hereby deleted in its entirety and replaced with the following:

NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to Tenant: New Cingular Wireless PCS, LLC
Attn: AT&T Network Real Estate Administration
Re: Cell Site #: DX5382; Cell Site Name: Taylor / Ricketts (TX)
Fixed Asset No: 10133702
575 Morosgo Drive NE
Suite 13-F West Tower
Atlanta, GA 30324

With the required copy of legal notice sent to Tenant at the address above, a copy to the Legal Department:

New Cingular Wireless PCS, LLC
Attn: AT&T Legal Department
Re: Cell Site # DX5382; Cell Site Name: Taylor / Ricketts (TX)
Fixed Asset No.: 10133702
208 S. Akard Street
Dallas, Texas, 75202-4206

A copy sent to the Legal Department is an administrative step which alone does not constitute legal notice.

If to Landlord: Office of the City Manager
City of Sherman
220 West Mulberry
Sherman, TX 75090

Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as

expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[SIGNATURES APPEAR ON THE NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Amendment on the dates set forth below.

“LANDLORD”

City of Sherman, Texas

By: _____
Name: _____
Title: _____
Date: _____

“TENANT”

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation
Its: Manager

By: _____
Print Name: Leigh Ann Dodson
Its: Area Manager-RE&C NTX Network Ops
Date: _____

TENANT ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Leigh Ann Dodson, Area Manager – RE&C, NTX Network Ops of New Cingular Wireless PCS, LLC, a Delaware limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said New Cingular Wireless PCS, LLC, and that he executed the same as the act of such Limited Liability Company for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2017.

Notary Public: _____
My Commission Expires: _____

LANDLORD ACKNOWLEDGEMENT

STATE OF _____)
)
COUNTY OF _____)

On the ____ day of _____, 2017 before me, personally appeared _____, who acknowledged under oath, that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Landlord for the purposes therein contained.

Notary Public
My Commission Expires: _____





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.3.

Meeting Date: 04/17/2017

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

RESOLUTION NO. 6210

Declaring the City of Sherman's Eligibility and Intention to Participate in a Residential Tax Abatement Program to Promote Development/Redevelopment in Certain Areas of the City; Establishing Guidelines and Criteria

Issue:

Renewing the City's Residential Tax Abatement Program for two (2) years

Background:

At the April 20, 2015 meeting, the City Council renewed the Residential Tax Abatement Program for two (2) more years, pursuant to the provisions of Chapter 312, Section 312.002, Tax Code, Vernon's Texas Codes Annotated. At the April 18, 2016 meeting, the City Council adopted Ordinance No. 5948 to renew the designation of Residential Reinvestment Zone, Number 041811-1, established for the purpose of residential tax abatement. At that time, the map was revised to reflect changes made by the U.S. Department of Housing and Urban Development (HUD) to the low-to-moderate income locations in Sherman. Some previously designated locations, generally located east of Highway 75, have been removed from that target area. While there is no official determination from HUD, we believe it is due to community efforts to revitalize, provide tax abatements, and encourage reinvestment - or gentrification - that has removed those low-to-moderate areas out of that status. The City's efforts for redevelopment are having a positive effect in those areas.

Another change made by HUD is that there are now some low-to-moderate income areas west of Highway 75. Because of this, a \$100,000 cap was added to Ordinance No. 5948. To be eligible for residential tax abatement, the value of improvements must be less than \$100,000.

Building within the target area uses existing streets, water mains and sewer mains, rather than extending them on the outskirts of the city. It also tends to minimize the area that must be covered by police officers, street maintenance crews, and other City employees.

The City Council granted eight (8) residential tax abatements in 2015, seven (7) residential tax abatements in 2016, and two (2) residential tax abatements year-to-date in 2017.

Origination:

City Manager's Office

Financial Consideration:

There is no direct cost to approving this resolution. Costs would vary as residential tax abatements are actually granted. In 2015, 2016 and 2017 combined, abatements have been granted on new construction with an estimated value of \$1,335,150.00 for a total of approximately \$4,813.38 in abated taxes. This was partially offset by \$1,275.00 in application fees.

Staff Recommendation:

The staff recommends approval of this resolution to renew the City's Residential Tax Abatement Program for two (2) years.

Alternatives:

The City Council could revise the terms of the abatements that are granted or could discontinue the program completely.

Attachments

Resolution No. 6210

Map of Residential Tax Abatement Zone

RESOLUTION NO. 6210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, DECLARING THE CITY OF SHERMAN'S ELIGIBILITY AND INTENTION TO PARTICIPATE IN A RESIDENTIAL TAX ABATEMENT PROGRAM TO PROMOTE DEVELOPMENT/REDEVELOPMENT IN CERTAIN AREAS OF THE CITY; ESTABLISHING GUIDELINES AND CRITERIA; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Sherman, Texas, desires to promote the development/redevelopment of certain contiguous geographic areas within its jurisdiction; and

WHEREAS, the City of Sherman, Texas, is authorized to enter into Tax Abatement Agreements for commercial-industrial or residential purposes as authorized by Chapter 312 of the Texas Property Tax Code (Code); and

WHEREAS, Section 312.002 of the Code requires the City of Sherman, Texas, to establish guidelines and create criteria every two (2) years for the designation of reinvestment zones and the entering into Residential Tax Abatement Agreements; and

WHEREAS, Resolution No. 5960 was approved by the City Council at the April 20, 2015 meeting, renewing the City's program for an additional two (2) years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City of Sherman, Texas, declares it is eligible for and intends to participate in a Residential Tax Abatement Program.

SECTION 2. That the City of Sherman, Texas, hereby adopts the following Guidelines and Criteria for Tax Abatement for use in its Residential Tax Abatement Program:

CITY OF SHERMAN RESIDENTIAL TAX ABATEMENT GUIDELINES AND CRITERIA

GENERAL PURPOSE AND OBJECTIVES

The City of Sherman is committed to an expansion of its tax base, an increase to its population, the promotion of development in all parts of the City, and to an ongoing improvement in the quality of life for its citizens. As these objectives are generally served by the enhancement and expansion of the local economy, the City of Sherman will offer residential tax abatement as a stimulus for economic development in Sherman. The policy of the City of Sherman is to make residential tax abatement available to new structures. Likewise, residential

tax abatement is intended for residential structures built upon vacant lots within existing subdivisions as well as within new subdivisions of the City. It is the policy of the City of Sherman that such tax abatement will be provided in accordance with the procedures and criteria outlined in this document and as permitted by State statute. The guidelines and criteria herein adopted shall expire two (2) years from and after April 17, 2017. The provisions herein are severable, and if any provision or requirement of these guidelines or criteria is declared or found to be illegal or invalid, such illegality or invalidity shall not affect the remaining provisions, since the City Council would have adopted these guidelines and criteria without the incorporation of the portions found to be invalid.

DEFINITION OF TERMS

Act — means the Property Redevelopment and Tax Abatement Act, Texas Tax Code Ann. 312.001, et seq., as amended from time to time.

Agreement — means a contractual agreement between a property owner and the City of Sherman for the purposes of tax abatement.

Applicant — means an owner of real property who requests tax abatement in accordance with these guidelines.

Base Year Value — means the assessed value of eligible property on January 1 preceding the date of execution of the agreement.

Economic Life — means the number of years a property improvement is expected to be in service.

New Structure — means residential improvements made to a property previously undeveloped which is placed into use by means other than or in conjunction with expansion.

Reinvestment Zone — means a contiguous geographic area in the jurisdiction of the municipality in which tax abatements may be granted to promote residential development or redevelopment if the governing body determines that residential development or redevelopment would not occur solely through private investment in the reasonably foreseeable future.

Residential Improvements — means the construction of residential building(s), and all the appurtenances thereto, single-family in purpose. This does not include duplexes or multi-family structures.

Total Facility — means all buildings and structures along with the appurtenances thereto.

ELIGIBILITY

All residentially zoned property is eligible for designation as a Reinvestment Zone. A new structure anywhere within the corporate limits of a value in excess of \$15,000.00 may receive abatement. As provided in the Act, abatement may only be granted for the value of

eligible property subsequent to and listed in an abatement agreement between the City of Sherman and the property owner. Abatement will be granted for residential improvements only.

Eligible Property — Abatement will be extended to the increased value of real estate, buildings, structures, and site improvements along with the appurtenances thereto for properties which are single-family in purpose. This does not include duplexes or multi-family structures.

Value and Term of Abatement — Upon determination that all requirements for tax abatement have been satisfied by the applicant, the value and terms of the abatement will be for a period of ten (10) years in accordance with the following schedule for the abatement of taxes on the added value above the base year value. Abatement shall be granted effective with the January 1 valuation date immediately following the date of completion of the improvements.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	80%
8	60%
9	40%
10	20%

CRITERIA

Any request for tax abatement shall be reviewed for completeness. The City staff shall determine whether the application satisfies the guidelines and criteria. Tax abatement shall be based upon an evaluation of the following criteria which each applicant will be requested to address in narrative format:

Fiscal Impact

Addition of real property improvements to the tax rolls.

No utility construction by the City would be required other than routine.

Community Impact

The project is compatible with the City's comprehensive plan.

No adverse environmental impact will be created by the project.

PROCEDURES

Any person, partnership, organization, corporation or other entity desiring that the City of Sherman consider providing tax abatement to encourage location of residential improvements within the City limits of Sherman shall be required to comply with the following procedural guidelines:

1. Preliminary Application Steps
 - A. Applicant shall submit an "Application for Tax Abatement" contemporaneously with the application for a building permit, and shall pay a filing fee of \$75.00 to cover publication, notice cost, review and processing. If the applicant for the building permit is not the owner of the real estate and does not make application for residential tax abatement on behalf of the owner, the City staff shall notify the owner by certified mail, return receipt requested, that residential tax abatement must be filed with the City within ten (10) business days of receipt of the notice.
 - B. If the applicant does not wish to apply for residential tax abatement at the time that the building permit is issued, or if the owner fails to respond to the written notice of availability for residential tax abatement, the opportunity for residential tax abatement is waived. The staff shall prepare forms necessary to reflect the refusal of an applicant to participate and to document the lack of response by the owner to the written notice. The refusal or waiver to participate in residential tax abatement by the owner or applicant shall be binding on subsequent owners of the real property.
 - C. The City may request applicant to provide substantiation of economic feasibility of the overall project to assist in determining the long-term benefit to the City.
 - D. A complete legal description shall be provided.
 - E. Applicant shall complete all forms and information detailed above and submit them to the City of Sherman.
2. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.

If necessary, applicant will meet with City to discuss details of the application and prepare for presentation of application to the City Council.
3. The application shall include the total capital investment for real property improvements and type of project.

LEGAL DOCUMENTATION PREPARATION

The City will be responsible for drafting the proposed agreement pursuant to the approved Tax Abatement, as well as all associated documentation.

The legal document is to include the following:

1. Estimated value of new construction to be abated.
2. Percent of value to be abated each year.
3. Commencement date and the termination date of abatement.
4. Proposed use of the facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.
5. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

BY: _____
DAVID PLYLER, MAYOR

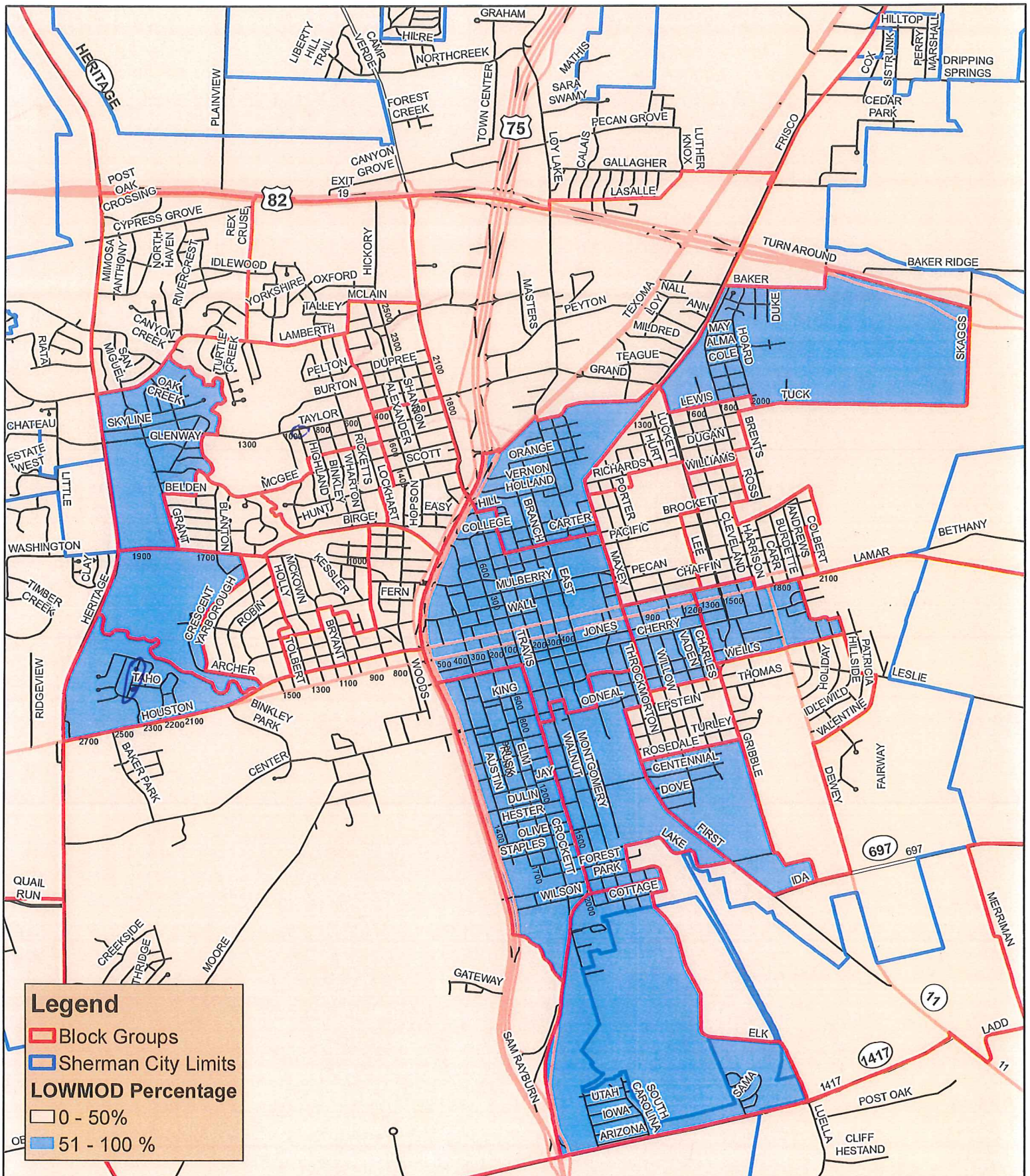
ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

Sherman, Texas





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

D.4.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** RESOLUTION NO. 6211**

Authorizing Execution of an Agreement with Tobars Properties, LLC for the Abatement of Ad Valorem Property Taxes for the Construction of a New Single-Family Residence at 409 East Wilson Avenue

Issue:

This item is to consider property tax abatement for the construction of a new single-family residence at 409 East Wilson Avenue.

Background:

Several years ago, the City Council began a residential tax abatement program to encourage the redevelopment of older sections of town. This application is for the construction of a new single-family residence at this location. This lot is in the current designated zone for residential tax abatement.

Origination:

Tobars Properties, LLC, Owner

Financial Consideration:

A \$75.00 application fee has been received for this residential lot. If granted, the initial abatement for this property will be approximately \$223.20 annually.

Staff Recommendation:

The staff recommends approval of this abatement since it meets the requirements of the process.

Alternatives:

The City Council could decide against granting this abatement.

Attachments

Resolution No. 6211

Residential Tax Abatement Agreement

Application

Warranty Deed

Building Permit

Site Plan

Photo

Location Map

Reinvestment Zone Map

RESOLUTION NO. 6211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS, AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOBARS PROPERTIES, LLC FOR THE ABATEMENT OF AD VALOREM PROPERTY TAXES FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 409 EAST WILSON AVENUE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERMAN, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to receipt of a fully-executed agreement from Tobars Properties, LLC subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute an agreement with Tobars Properties, LLC for the abatement of ad valorem property taxes for a period of ten (10) years, for the construction of one (1) new single-family residence at 409 East Wilson Avenue, lying within the City of Sherman's Residential Tax Reinvestment Zone, in accordance with the City's policies and procedures established for this purpose.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the ____ day of _____, 2017.

CITY OF SHERMAN, TEXAS

ATTEST:

BY: _____
LINDA ASHBY, CITY CLERK

BY: _____
DAVID PLYLER, MAYOR

**APPROVED AS TO FORM
AND CONTENT:**

BY: _____
**BRANDON S. SHELBY,
CITY ATTORNEY**

THE STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

AGREEMENT

THIS AGREEMENT, entered into by and between the **CITY OF SHERMAN, TEXAS**, a home rule city and municipal corporation of the State of Texas, duly acting herein by and through its City Manager, hereinafter referred to as CITY, and **TOBARS PROPERTIES LLC**, hereinafter referred to as OWNER,

WITNESSETH:

WHEREAS, on the 18th day of April, 2011, the City Council of Sherman, Texas, passed Ordinance No. 5692 establishing a reinvestment zone for residential tax abatement, as authorized by Chapter 312 of the Texas Tax Code, as amended, hereinafter referred to as CODE; and

WHEREAS, the CITY has adopted a resolution (Resolution No. 5960) stating that it elects to be eligible to participate in a residential tax abatement program; and

WHEREAS, the CITY desires to create the proper economic and social environment to induce the investment of private resources in real estate construction located in incorporated areas of the CITY; and

WHEREAS, the CITY hereby finds that it may effectively encourage and assist the creation of such an environment by participating in tax abatement pursuant to the CITY; and

WHEREAS, the CITY has created a reinvestment zone within its jurisdiction to induce the investment of private resources in real estate construction located in incorporated areas of the CITY, and OWNER has agreed to construct certain real property improvements; and

WHEREAS, OWNER is prepared to comply with the provisions of the CITY'S guidelines and criteria enacted the 18th day of April, 2011;

NOW, THEREFORE, WITNESS THIS TAX ABATEMENT AGREEMENT which provides as follows:

I.

1.01 To the extent authorized by the Texas Constitution and by the Tax Code, CITY hereby agrees to exempt from City of Sherman taxation a portion of the increase in value of taxable real property of OWNER in the CITY over the same real property and its value as calculated by the Grayson Appraisal District for ad valorem property tax purposes in accordance with the following schedule. Such tax exemption shall be in effect for tax years beginning January 1, 2017, and continuing for tax years 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,

2025 and 2026, with same constituting ten (10) tax years. However, nothing contained herein shall be construed to grant an abatement of taxes to be assessed based on the change of use of the property from an agricultural use to another use, sometimes referred to as rollback taxes, penalties or interest. In the event rollback taxes are applicable for the real property utilized by OWNER, then such increase in value of taxable property resulting from such rollback shall be used as the tax value for such property for the tax year 2016, sometimes referred to herein as the Base Tax Year.

SCHEDULE OF TAXES ASSESSED

<u>TAX YEAR</u>	<u>ABATEMENT</u>
2017	100%
2018	100%
2019	100%
2020	100%
2021	100%
2022	100%
2023	80%
2024	60%
2025	40%
2026	20%

II.

2.01 OWNER warrants and represents that the real property upon which OWNER has constructed or will construct improvements is qualified property within the meaning of that Act, and that such has been and will remain eligible for tax abatement under the provisions of the Property Redevelopment and Tax Abatement Act, Sections 312.001, et seq., Texas Tax Code.

2.02 To continue to qualify for tax abatement under the terms of this Agreement, OWNER hereby warrants and represents that the improvements made by OWNER on the real property described herein are for residential use.

2.03 The tax abatement granted under the terms of the Agreement shall only be implemented if appraised value of all real property and improvements located thereon owned by OWNER and lying within designated zone exceeds the base year value. The OWNER agrees that Grayson Appraisal District shall, at reasonable times upon reasonable notice, have access to the property made the subject of this Agreement, and that the above set forth inspectors shall be able to inspect the property to insure that the improvements are being made in accordance with the terms and conditions hereof and utilized in accordance with this Agreement.

III.

3.01 The term of this Agreement shall be for tax years 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026, as indicated above in paragraph 1.01.

IV.

4.01 The kind, number and location of all proposed property improvements are set forth as follows:

Construction of one (1) new single-family residence at 409 East Wilson Avenue, Sherman, Texas, and as more particularly described by the following:

BEING Lot 9, Block 25, Southside Addition

5.01 OWNER agrees that, should he fail to make improvements substantially as described or fail to perform any other term or covenant hereof, CITY shall have the right, after giving notice and opportunity to cure as hereinafter set out, to recapture all tax revenue on said property in the zone lost as a result of this Agreement for the entire term of the Agreement. Such recapture shall mean that all of such property shall be taxed at the full improved value as assessed by the Grayson Appraisal District for all years this Agreement has been in effect. The payment of such recaptured taxes minus any taxes paid by OWNER during the years this Agreement has been in force shall be due January 1 of the next following year and shall be delinquent if not paid on or prior to January 31st. Penalties and interest shall be calculated thereafter as if all taxes had become due in the same year. The CITY agrees prior to enforcement of the terms of this paragraph to give 120 days written notice to the address shown below of OWNER'S default in completing the improvements called for in this Agreement, and OWNER shall have the right to cure such default within the 120-day period.

VI.

6.01 This Agreement shall inure to the benefit of CITY and OWNER, and shall be binding upon them, their heirs, successors and assigns. It is specifically provided and agreed that the right to tax abatement shall inure to the benefit of subsequent owners so long as the term and conditions of this Agreement are in effect.

VII.

7.01 CITY agrees that this Agreement may be assigned and the improvements leased or sub-leased, without any further necessity for consent, by the OWNER to any person, firm or corporation.

VIII.

8.01 At any time before the expiration of the term hereof, this Agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement or to delete provisions that were not necessary to the original agreement. Such modification must be in writing and signed by all the parties hereto and made by the same procedure by which the original Agreement was approved and executed. In no event may the original Agreement be modified so as to extend the term beyond the original term of this Agreement.

IX.

9.01 This Agreement shall be construed subject to the laws of the State of Texas, and particularly to the Property Redevelopment and Tax Abatement Act, Chapter 312 of the Texas Tax Code.

9.02 All appraisal values for real property shall be made by the Grayson Appraisal District or such other entity as may succeed or replace such District.

9.03 OWNER is hereby notified that the Grayson Appraisal District may impose additional requirements which must be met in order for OWNER to realize the benefit of tax abatement and this Agreement. Contact should be made by OWNER with the District in person at 512 North Travis Street, Sherman, Texas, or by telephone at (903) 893-9673.

X.

10.01 This Agreement is subject to all provisions of all outstanding bond issues of CITY. To the extent that this Tax Abatement Agreement conflicts with any of the provisions of such bond issues, such bond issues and attendant documents thereto shall control.

XI.

11.01 This Tax Abatement Agreement is specifically subject to present laws of the State of Texas and any future laws enacted subsequent to the execution of this Agreement which may provide retroactively for a modification of Agreements of this type as a matter of law. Upon the effective date of any such law, then this Agreement shall automatically be so modified.

XII.

12.01 Notices required by this Agreement shall be mailed to the following addresses as same may be in the future changed by either party upon written notice to the other:

City of Sherman
P.O. Box 1106
Sherman, Texas 75091-1106
(903) 892-7200

Tobars Properties, LLC
635 Preston Meadows Road
Sherman, TX 75092
(903) 816-0416

Copy to: Grayson Appraisal District
512 North Travis Street
Sherman, Texas 75090
(903) 893-9673

This Agreement is performable in Grayson County, Texas. Witness our hands on this the _____ day of _____, 2017.

CITY:
CITY OF SHERMAN, TEXAS

OWNER:
TOBARS PROPERTIES, LLC

BY: _____
ROBBY HEFTON
CITY MANAGER

BY: _____
MARIO TOBAR

ATTEST:

BY: _____
LINDA ASHBY
CITY CLERK

APPROVED AS TO FORM
AND CONTENT:

BY: _____
BRANDON S. SHELBY
CITY ATTORNEY

THE STATE OF TEXAS §
COUNTY OF GRAYSON §

BEFORE ME, the undersigned authority, on this day personally appeared **MARIO TOBAR** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein express.

GIVEN UNDER MY HAND and seal of office this _____ day of _____, 2017 A.D.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

**CITY OF SHERMAN
APPLICATION FOR RESIDENTIAL TAX ABATEMENT**

Property Owner:

Name: Tobai's Properties LLC

Mailing Address: 635 Preston Meadows Rd

Telephone Number: (903) 816-0416

Contact (if different than owner):

Name: _____

Mailing Address: Same.

Telephone Number: _____

Property:

Physical Address: 404 E. Wilson Ave.

Summary Legal Description: Lot: 9 Block: 25 Addition: South side Addition
of the city of Sherman

Full Legal Description: Include as an attachment a full legal description with metes and bounds.

Improvements:

Type of Improvements (please check one). New Construction: ☒ Remodeling: _____

Estimated Value of Improvements: \$60,000.

Estimated Date of Start of Construction: 04/03/17

Estimated Date of Completion of Project: 08/03/17

Description of Project: _____

New Construction

Applicant(s): Tobai's Properties LLC

Date: 04/03/17

Mario Tobar

Date: 04/03/17.

Grayson County
Wilma Bush
Grayson County Clerk
Sherman, Texas 75090



70 2016 00012876

Instrument Number: 2016-00012876

As
Recordings

Recorded On: June 21, 2016

Parties: HURT JAMES ETAL

To TOBARS PROPERTIES LLC

Billable Pages: 2

Number of Pages: 4

Comment: WD

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	20.00
Total Recording:	20.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2016-00012876

Receipt Number: 453214

Recorded Date/Time: June 21, 2016 09:21:17A

Book-Vol/Pg: BK-OR VL-5826 PG-261

User / Station: G WHITE - Cashiering Station 1

Record and Return To:

RED RIVER TITLE CO

421 N. CROCKETT ST

SHERMAN TX 75090



THE STATE OF TEXAS
COUNTY OF GRAYSON
I hereby certify that this instrument was FILED in the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Public Records of Grayson County, Texas.

Wilma Blackshear Bush

Wilma Blackshear Bush, Grayson County Clerk

0122510

Bk	Vol	Ps
00012876	OR	5826 262

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

WARRANTY DEED

DATE: Effective June 20, 2016

GRANTOR: JAMES HURT and ALLISON HURT

GRANTEE AND GRANTEE'S MAILING ADDRESS: TOBAR'S PROPERTIES, L.L.C., a Texas limited liability company, 1308 Pintail Dr, Sherman, Texas 75092

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged.

PROPERTY (including any improvements): Being Lot Nine (9) in Block Twenty-Five (25) of South Side Addition to the City of Sherman, Texas, as shown by plat of record in Volume 94, Page 134, Deed Records, Grayson County, Texas

RESERVATIONS FROM CONVEYANCE:

None

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

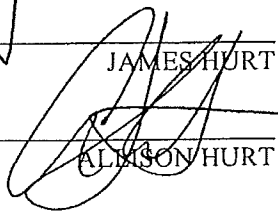
This conveyance is made and accepted subject to any and all outstanding minerals, mineral leases, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent that they are still in force and effect, and shown of record in the hereinabove mentioned County and State; and also to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are applicable and enforceable against the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

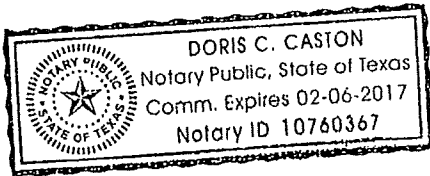


JAMES HURT


ALLISON HURT

STATE OF TEXAS
COUNTY OF GRAYSON

This instrument was acknowledged before me on the 20 day of June, 2016, by JAMES HURT and ALLISON HURT.





Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF
HYNDS & GORDON, P. C.
500 N. Sam Rayburn Freeway, Suite 200
Sherman, Texas 75090
903/892-1807 (phone)
903/893-2015 (fax)
Red River#0122510

Bk Vol Pg
00012876 OR 5826 264

Filed for Record in:
Grayson County

On: Jun 21, 2016 at 09:21A

As a
Recording

Document Number: 00012876

Amount: 20.00

Receipt Number -

453214

By,
GAIL WHITE

STATE OF TEXAS COUNTY OF GRAYSON
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grayson County
as stamped hereon by me.

Jun 21, 2016

Wilma Bush, Grayson County Clerk
Grayson County

CITY OF SHERMAN
RESIDENTIAL BUILDING PERMIT

PERMIT #: 170642

SUBCONTRACTOR: TOBAR PROPERTIES LLC
DATE ISSUED: 4/03/2017

PROJECT ADDRESS: 409 E WILSON ~~ST~~ AVE
PARCEL ID:
SUBDIVISION:

LOT #:
BLK #:
ZONE ORD: R-1 ONE FAMILY RESIDENTIAL

ISSUED TO: TOBAR PROPERTIES LLC
ADDRESS: 635 PRESTON MEADOW RD
CITY, ST ZIP: SHERMAN TX 75092
PHONE: 903-816-0416

CONTRACTOR: TOBAR PROPERTIES LLC
ADDRESS: 635 PRESTON MEADOW RD
CITY, ST ZIP: SHERMAN TX 75092
PHONE:

PROP. USE: ONE FAMILY RESIDENTIAL
WORK: NEW RESIDENTIAL
CONSTRUCTION
VALUATION: \$ 60,000.00
OCCP TYPE: ONE FAMILY RESIDENTIAL
CNST TYPE: WOOD FRAME

SQ FT: 1,250.00
BEDROOMS: 3
BATHROOMS: 2
STORIES: 1

FEE CODE	DESCRIPTION	AMOUNT
BLD10	RESIDENTIAL STORMWATER MGMT	\$ 25.00
TOTAL		\$ 25.00

NOTES:

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

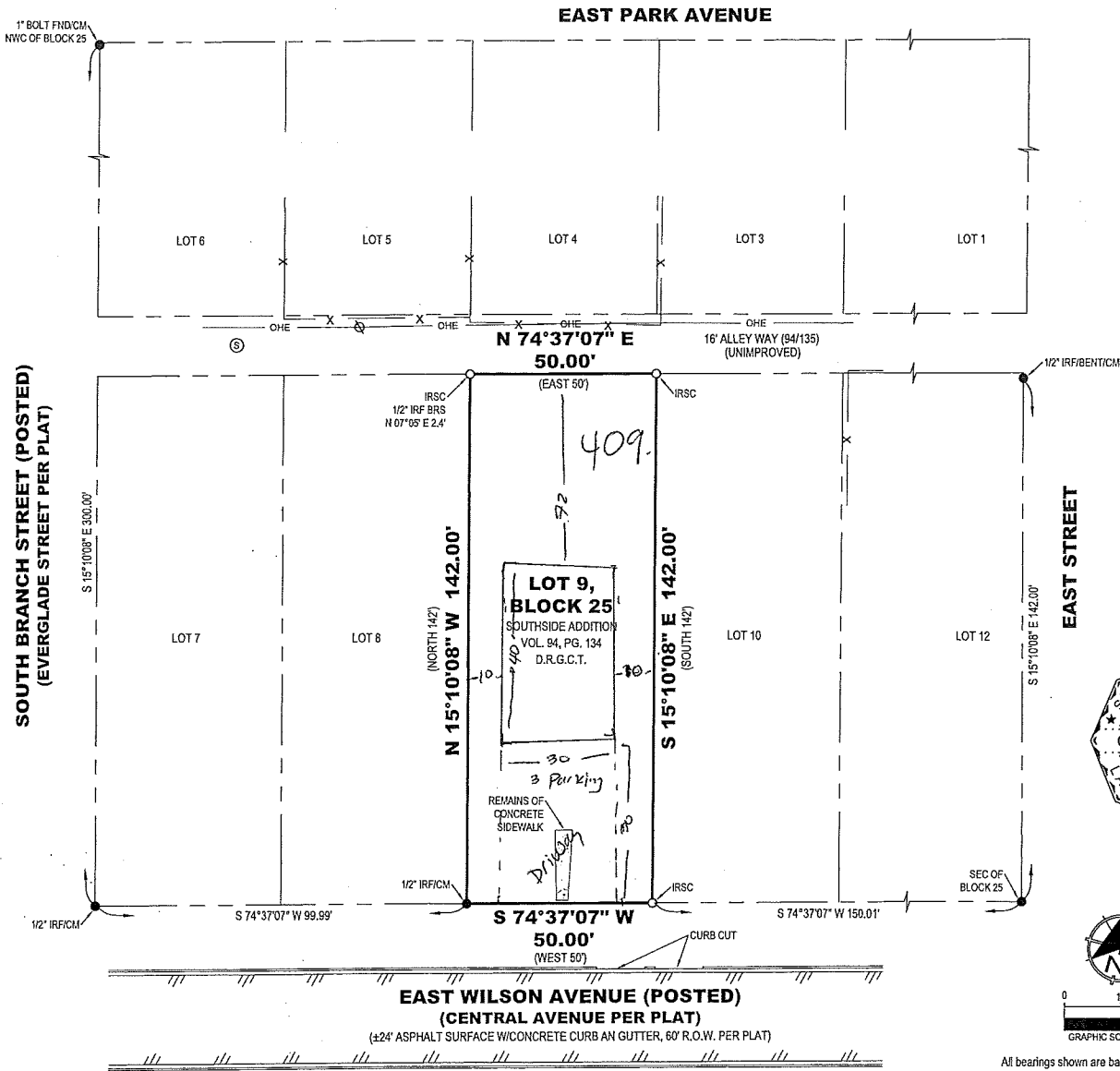
04/03/17
DATE

(APPROVED BY) FLOOD PLAIN ADMINISTRATOR

4/3/17
DATE

(APPROVED BY) BUILDING & ZONING

4/4/17
DATE



LAND DESCRIPTION:
 BEING Lot NINE (9) in Block TWENTY-FIVE (25) of SOUTH SIDE ADDITION to the City of Sherman, Texas, as shown by plat of record in Volume 94, Page 134, Deed Records, Grayson County, Texas.

NOTES ADDRESSING SCHEDULE 'B' EXCEPTIONS:
 Only those easements and/or other matters of record, as listed in Title Commitment GF No. 0122510, issued by Commonwealth Land Title Insurance Company, countersigned by Red River Title Company, with an effective date of June 10, 2016, and an issued date of June 15, 2016, and relisted below were considered for this Survey. The surveyor did not perform an abstract of title.

1. The surveyed property is subject to any matter, including but not limited to, easements, roadways and/or building set back lines as shown on the plat of South Side Addition to the City of Sherman, Texas, of record in Volume 94, Pages 134 and 135, Deed Records, Grayson County, Texas.

FLOOD STATEMENT:
 I have examined the F.E.M.A. Flood Insurance Rate Map for the City of Sherman, Grayson County, Texas, Community Number 485509, effective date 09/29/2010 and that map indicates that this property is within "Non-shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance flood" as shown on Panel 0405 F of said map. This flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage, on rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

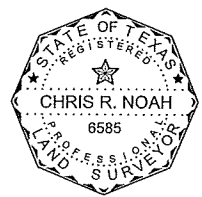
Certify to: Tobar Properties, LLC; James Hurt, Allison Hurt, Commonwealth Land Title Insurance Company, Red River Title Company;

I, Chris R. Noah, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey has been prepared from an actual on-the-ground survey of the premises depicted hereon and described in the land description attached hereto, conducted under my direction and supervision on 06/07/2016, and there are no discrepancies, conflicts, shortages in area or boundary line conflicts, or any intrusions of visible improvements from adjoining tracts, or protrusions of visible improvements onto adjoining tracts, to the best of my knowledge and belief, except as shown. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying.

Chris R. Noah
 Chris R. Noah, R.P.L.S. No. 6585

LEGEND

● FOUND MONUMENT	R.O.W. RIGHT-OF-WAY
○ SET MONUMENT	D.R.G.C.T. DEED RECORDS, GRAYSON COUNTY, TEXAS
IRSC 1/2" IRON ROD W/ "PRESTON TRAIL LAND SURVEYING, RPLS 6585" CAP SET	☒ POWER/UTILITY POLE
IRF IRON ROD FOUND	Ⓢ SANITARY SEWER MANHOLE
FND FOUND	— BOUNDARY LINE
BRS BEARS	— ADJOINER LINE
CM CONTROLLING MONUMENT	/// ASPHALT
SEC SOUTHEAST CORNER	— OVERHEAD ELECTRIC/UTILITY
NWC NORTHWEST CORNER	— CHAIN LINK FENCE



All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

TITLE SURVEY
LOT 9, BLOCK 25
SOUTH SIDE ADDITION
TBD Wilson Avenue, Sherman
Grayson County, Texas

Preston Trail
LAND SURVEYING

83493 N. State Hwy 289, Suite 5
 Pottsboro, TX 75076
www.prestontrailandsurveying.com
 903-213-0033

TBPLS Firm No. 1019475	Drawn by: JEG Checked by: CRN	Scale: 1"=30' Date: 06/10/2016	Project No. 16-0147 Sheet No. 1 of 1
---------------------------	----------------------------------	-----------------------------------	---

409 E. Wilson



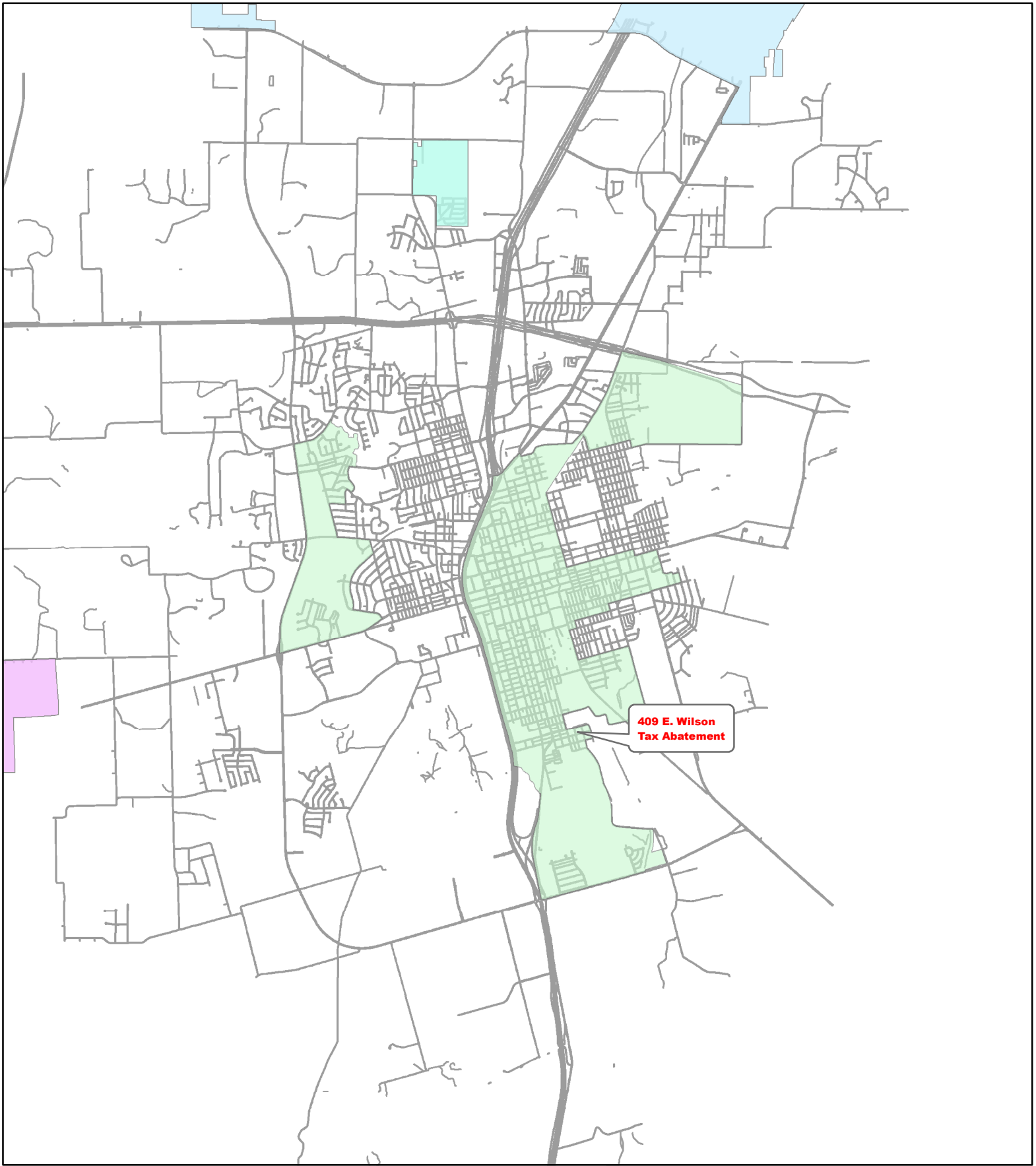


409 E. Wilson Ave.



1 in = 484 ft

City of Sherman, Texas
Developmental Services Department



409 E. Wilson Residential Tax Abatement



City of Sherman, Texas
Developmental Services Department



NOT TO SCALE
1 inch = 6,000 feet



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.1.

Meeting Date: 04/17/2017

Prepared By: Brandon Shelby, City Attorney

Approved By: Robby Hefton, City Manager

Caption:

OTHER BUSINESS

Discussion of the City of Sherman's Panhandling/Right-of-Way Safety Regulations

Issue:

The City has experienced increased instances of soliciting at busy intersections. Citizens have expressed concern for the safety of both the solicitors and the drivers.

Background:

Section 8.03.004 of the City of Sherman Code of Ordinances, entitled Right-of-Way Safety Regulations, was approved on January 16, 2012. The purpose of this article is to protect the health, safety and general welfare of the citizens of the city, and to assure the free, orderly and uninterrupted movement of vehicles on public roads within the city. However, panhandling continues to be an issue. Staff is seeking more Council discussion regarding this issue and Council direction as to further action.

Origination:

City Council

Financial Consideration:

None

Staff Recommendation:

Staff recommends that Council consider the problem of right-of-way safety and direct staff according to its wishes.

Alternatives:

The Council may choose to take no action.

Attachments

Sherman Code of Ordinances Article 8.03.004

ARTICLE 8.03 OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 8.03.004 Right-of-way safety regulations

The purpose of this article is to protect the health, safety and general welfare of the citizens of the city, to assure the free, orderly, uninterrupted movement of vehicles on public roads within the city.

- (1) A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, unless such person is soliciting a charitable contribution and has been authorized to do so by the city's manager's office.
- (2) The authorization described in subsection (1) shall be in writing and shall specify the organization that may solicit, the specific location of approved solicitation, and the hours such solicitation is authorized.
- (3) An offense under this section is punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense.

(Ordinance 5731 adopted 1/16/12)



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.2.

Meeting Date: 04/17/2017

Prepared By: Mark Gibson, Director of Utilities

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Authorizing Emergency Repairs to the Shepherd Drive 1 Woodbine Water Well

Issue:

Emergency repairs to the Shepherd Drive 1 Woodbine Water Well

Background:

The pump on the Shepherd Drive 1 Woodbine Water Well has failed and requires immediate replacement. This well is one of the primary wells that provide water to the City of Sherman. With the oncoming high summer water demands, it is imperative that the well be repaired as quickly as possible to maintain the City's groundwater supply capability. Under normal repair protocols, the repairs would take between three and four months if no problems were encountered. It is anticipated that the repairs can be completed in approximately three weeks under emergency conditions. Because this work has to be completed on an emergency basis, the formal bid process will not be used. Contractors are currently being contacted to obtain the costs to return the well to service.

Origination:

Utility Administration

Financial Consideration:

It is estimated that the cost to expedite repairs to the well will be \$150,000.00 or less. Funding for this work will be from the Utility Fund.

Staff Recommendation:

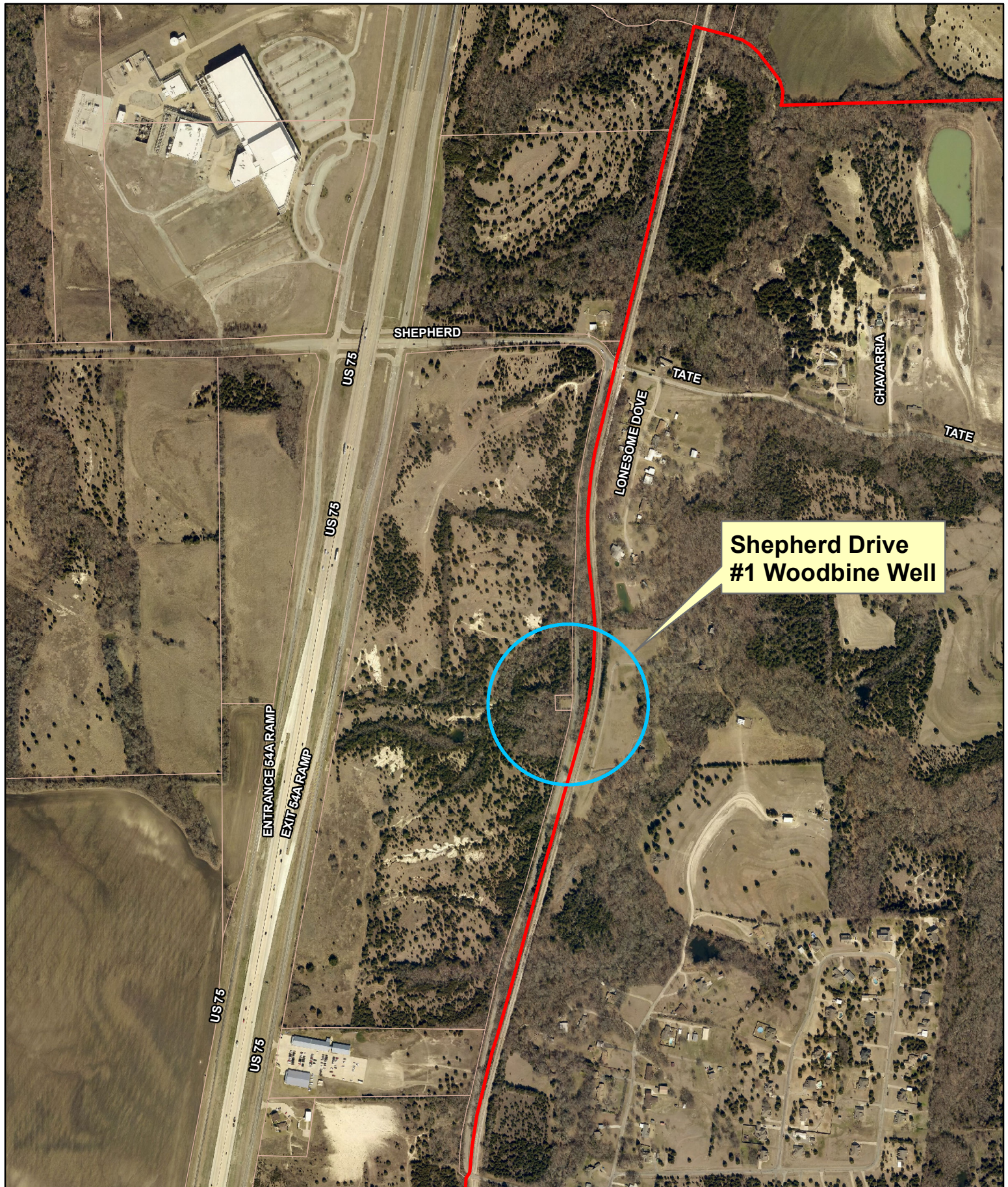
It is recommended that the emergency repairs to the Shepherd Drive 1 Woodbine Water Well be approved and that the City Manager be authorized to execute any required contract documents.

Alternatives:

As may be directed by the City Council

Attachments

Aerial Location Map





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.3.

Meeting Date: 04/17/2017

Prepared By: Mary Lawrence, Director of Finance

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Approve the Quarterly Investment Reports for Quarter Ended March 31, 2017

Issue:

To approve the Investment Reports for the quarterly period ending March 31, 2017

Background:

These reports are being presented in accordance with the state law that requires at least quarterly presentation to the Council. A separate report is included for the Debt Proceeds portfolio that includes the Tax Note and the 2016 and 2017 Certificates of Obligation proceeds, as required by the Investment Policy. The reports were given to the Investment Committee prior to submittal to the Council.

As of March 31, 2017, the portfolios were in compliance with applicable state laws and the Investment Policy. The Operating investment portfolio had a book value of about \$17.3 million, an increase of about \$2.6 million from prior quarter of \$14.7 million, due to a security and a Certificate of Deposit (CD) purchase, additional deposits to the Local Government Investment Pool, a maturity and a CD renewal.

The underlying investments were adequately diversified among four different types of securities. This portfolio is appropriately liquid; and its weighted-average maturity was about 447 days, a decrease of 23 days from last quarter. The portfolio yield of 1.093% for the quarter is higher than the benchmark yield of 1.03%. The portfolio value on the City's books is essentially equal to the market value of the overall portfolio.

The Debt Proceeds portfolio balance of \$25.2 million had increased by \$17.2 million due to the receipt of the 2017 Certificate of Obligation proceeds. The portfolio was invested in a Local Government Investment Pool and an FDIC insured money market account, both with a maturity of one day. Other transactions included the addition of interest income and approximately \$1.6 million for project payments. The yield of .57% was below the benchmark yield of .74% for this portfolio. Book value and market value were about the same.

Origination:

Finance

Financial Consideration:

None

Staff Recommendation:

It is recommended that the Council accept the Investment Reports as presented.

Alternatives:

The Council could offer suggestions for improvement or could request more frequent reporting.

Attachments

Memo and Investment Reports for QE March 31, 2017



memorandum

DATE: Tuesday, April 11, 2017

TO: The City of Sherman Investment Committee
Councilman Jason Sofey
Councilwoman Pam Howeth
Robby Hefton, City Manager

CC: Don Keene, Assistant City Manager

FROM: Mary Lawrence, Director of Finance *ml*

SUBJECT: Investment Reports for Quarter Ended March 31, 2017

Enclosed is a copy of the quarterly investment reports for March 31, 2017. As of that date, the City was in compliance with all applicable state laws and internal policies for the portfolio.

The total operating portfolio balance of about \$17.2 million increased by about \$2.6 million from the previous quarter due to the purchase to a U.S. Agency, a Certificate of Deposit, an additional deposit to the Local Government Investment Pool, the renewal of another Certificate of Deposit and maturity of a State of Texas political subdivision obligation. The underlying investments were adequately diversified among four different types of securities. The portfolio's weighted-average maturity of about 447 days decreased from last quarter due to the purchase of shorter term maturities. The portfolio yield of 1.093% was higher than our benchmark 1-year Constant Maturity Treasury Index of 1.03%. Book value closely approximated market value.

The debt proceeds portfolio balance of \$25.2 million had increased by about \$17.2 million due to the receipt of the 2017 Certificates of Obligation (CO) proceeds. The underlying investments were invested in a Local Government Investment Pool and an FDIC insured money market account. Project payments made from the portfolio totaled about \$1.6 million.

The investment report will be on the April 17, 2017 City Council agenda for their review and approval. Please call me if you have any questions about this item.

attachments (as stated above)

CITY OF SHERMAN, TEXAS
INVESTMENT PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2017

	Total Portfolio Summary		
	Current Quarter 3/31/2017	Prior Quarter 12/31/2016	Change From Prior Quarter
Book Value	\$ 17,272,053	\$ 14,696,201	\$ 2,575,852
Market Value	\$ 17,237,829	\$ 14,633,683	\$ 2,604,146
Weighted Average Maturity - Days	447	470	(23)
Weighted Average Yield	1.093%	1.036%	0.057%
Earned Income	\$ 38,607	\$ 38,439	\$ 168
Earned Income - Year-to-Date	\$ 77,046	\$ 38,439	\$ 38,607

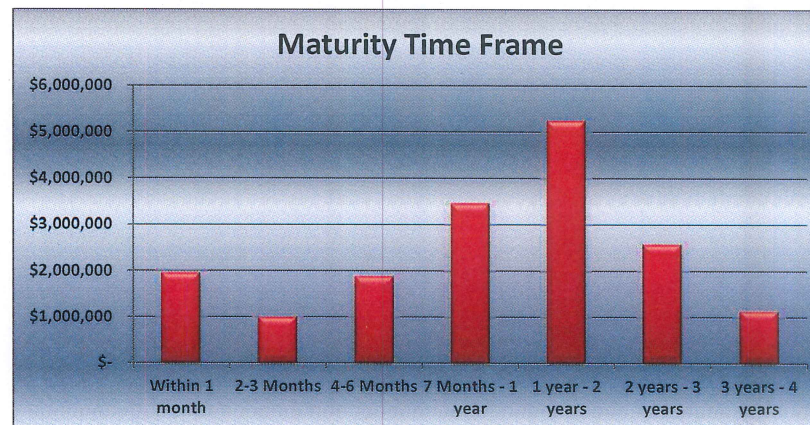
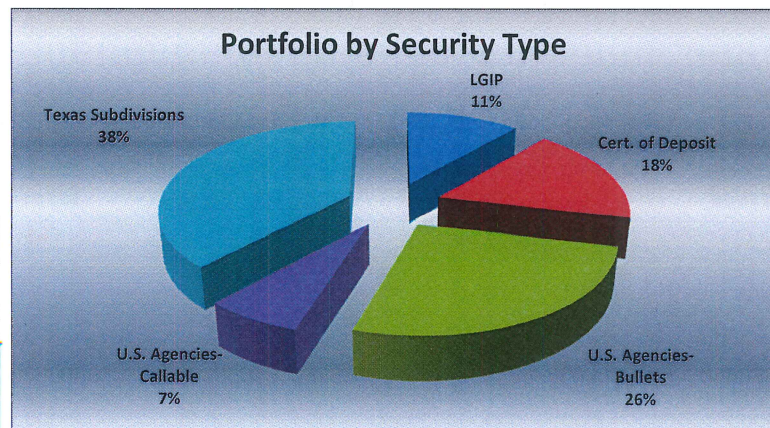
This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

As of March 31, 2017, the City's portfolio had a book value of about \$17.2 million, which approximates market value. Of this amount, approximately \$1.9 million was held in Local Government Investment Pools (LGIP), \$3.0 million was held in Certificates of Deposit (CD), \$5.7 million was held in U.S. Agency Securities and \$6.6 million was held in State of Texas political subdivision obligations.

The portfolio value increased by \$2.6 million from the previous quarter due to purchases of a U.S. Agency security (\$1.2), two Certificates of Deposit (\$2.0 million) and \$0.9 million added to Local Government Investment Pools (LGIP), with maturity of \$0.5 million of State of Texas political subdivision obligations and one Certificate of Deposit (\$1.0 million).

The weighted average yield on the portfolio was 1.093%, 6.3 basis points above the 1-year Constant Maturity Treasury Index of 1.03% and 5.7 basis points above the previous quarter.

The weighted average maturity of the portfolio decreased from 470 days at December 31, 2016 to 447 days at March 31, 2017.



Mary Lawrence

Mary Lawrence, Finance Director and City of Sherman Investment Officer

Tammy Davis

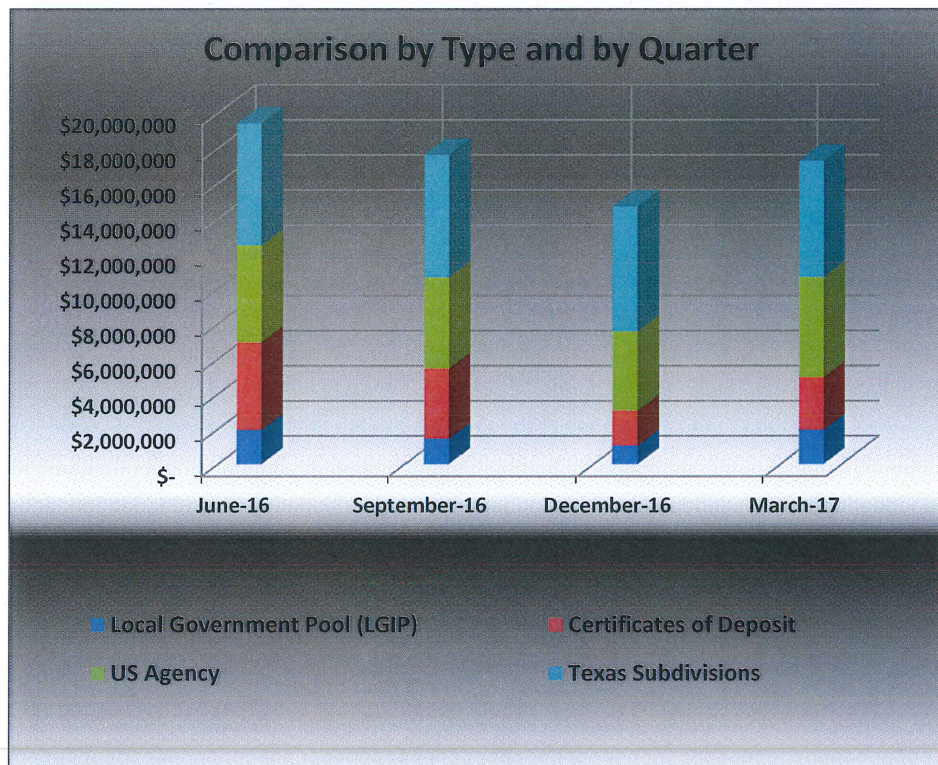
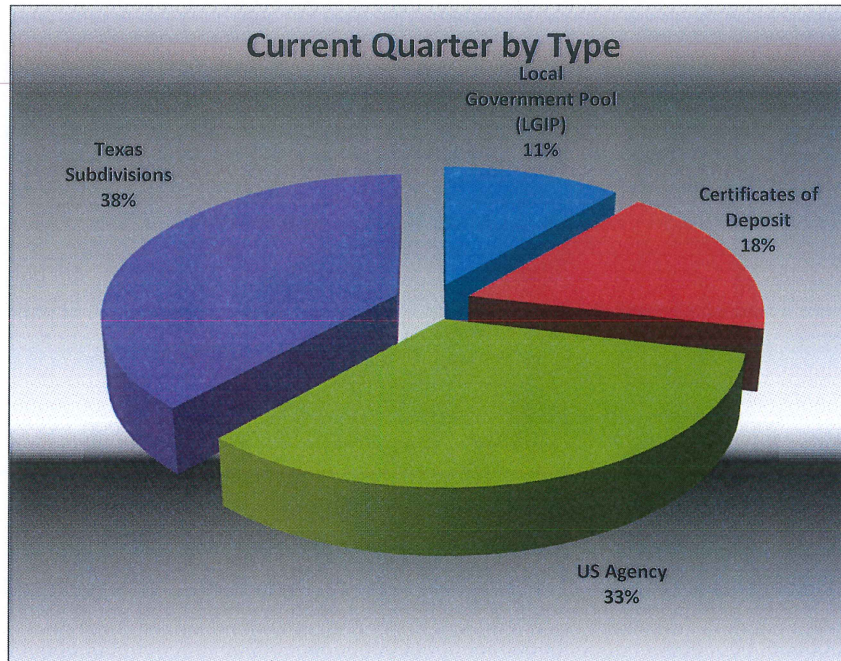
Tammy Davis, Controller and City of Sherman Investment Officer

CUSIP	Settlement Date	Security Type	Security Description	CPN Rate	Maturity Date	Credit Rating	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Maturity	YTM
Tex-Pool		LGIP	TexPool			AAAm	\$ 412,223	100.00	\$ 412,223	\$ 412,223	100.01	\$ 412,256	1	0.57%
TexStar		LGIP	TexSTAR			AAAm	1,540,385	100.00	1,540,385	1,540,385	100.01	1,540,484	1	0.57%
CD 4176805655	4/8/2016	CD	Landmark Bank	0.74%	10/8/2017		1,000,000	100.00	1,000,000	1,005,509	100.00	1,005,509	191	0.74%
CD 4176806562	2/22/2017	CD	Landmark Bank	1.15%	8/22/2018		1,000,000	100.00	1,000,000	1,000,000	100.00	1,000,000	509	1.15%
CD 4176806687	3/27/2017	CD	Landmark Bank	1.13%	3/27/2018		1,000,000	100.00	1,000,000	1,000,000	100.00	1,000,000	361	1.13%
313379VE6	2/20/2015	Agency Bullet	FHLB	1.01%	6/19/2017	AA+	1,000,000	100.40	1,003,970	1,000,374	100.04	1,000,421	80	0.84%
887127TM0	2/24/2015	Texas Subdivision	Timberline TX UD	2.00%	8/1/2017	AA	475,000	102.64	487,559	476,794	100.30	476,430	123	0.90%
97000PHG8	4/19/2016	Texas Subdivision	William Co TX MUD# 10	2.00%	8/1/2017	AA	105,000	101.40	106,469	105,397	100.34	105,360	123	0.90%
3130AOWJ5	3/6/2014	Agency Bullet	FHLB	1.02%	8/7/2017	AA+	1,000,000	100.24	1,002,385	1,000,246	100.04	1,000,381	129	0.95%
34684PAW6	3/17/2016	Texas Subdivision	Ft Bend Co TX MUD #137	3.00%	9/1/2017	AA	300,000	102.94	308,823	302,549	100.79	302,382	154	0.96%
31315PZ28	2/17/2016	Agency Bullet	Farmer Mac	1.20%	12/22/2017	AA+	1,000,000	100.70	1,006,987	1,002,757	100.14	1,001,421	266	0.82%
67381PKE1	12/17/2014	Texas Subdivision	Oakmont TX PUD	2.00%	3/1/2018	A3	225,000	102.09	229,712	226,256	100.50	226,116	335	1.33%
232425NB0	2/24/2016	Texas Subdivision	CY-Champ TX PUD	2.00%	3/1/2018	AA	225,000	102.20	229,941	227,242	100.86	226,928	335	0.90%
667489FV5	2/24/2015	Texas Subdivision	NW Harris Co TX MUD #6	2.00%	4/1/2018	A2	210,000	102.74	215,748	211,869	100.93	211,959	366	1.10%
643161HB1	5/21/2015	Texas Subdivision	New Caney TX MUD	2.00%	4/1/2018	Aa3	270,000	101.36	273,672	271,287	100.49	271,320	366	1.51%
414911JL2	2/25/2015	Texas Subdivision	Harris Co TX MUD #119	2.00%	5/1/2018	A3	135,000	102.81	138,789	136,299	100.99	136,343	396	1.10%
313379DT3	3/1/2016	Agency Bullet	FHLB	1.25%	6/8/2018	AA+	1,000,000	100.71	1,007,060	1,003,691	100.09	1,000,900	434	0.94%
41421GFW4	2/27/2015	Texas Subdivision	Harris Co TX MUD # 468	2.00%	9/1/2018	A3	740,000	102.47	758,248	747,388	101.24	749,183	519	1.28%
82620YFZ1	6/19/2015	Texas Subdivision	Sienna Plantation MUD	2.00%	9/1/2018	A3	230,000	100.86	231,978	230,883	100.96	232,210	519	1.73%
34680CDA4	6/23/2015	Texas Subdivision	Ft Bend Co TX MUD #128	2.00%	9/1/2018	A3	650,000	102.02	663,130	655,847	100.61	653,985	519	1.35%
955496GC2	8/6/2015	Texas Subdivision	W Ranch TX Mgmt Dist	1.65%	9/1/2018	A3	340,000	100.60	342,030	340,939	99.78	339,238	519	1.45%
41421DRU2	3/24/2016	Texas Subdivision	Harris Co TX MUD #419	3.00%	9/1/2018	AA	140,000	104.43	146,203	143,613	102.44	143,422	519	1.15%
31331KB74	9/30/2015	Agency Bullet	FFCB	1.88%	3/29/2019	AA+	500,000	102.46	512,290	507,012	101.09	505,442	728	1.12%
88213ACF0	7/23/2015	Texas Subdivision	TX St A&M Sys Brd	4.00%	5/15/2019	AA+	500,000	108.07	540,330	522,454	104.77	523,865	775	1.80%
207435MH8	6/1/2016	Texas Subdivision	Conally TX Consol ISD	3.00%	8/15/2019	AAA	150,000	106.42	159,635	157,139	103.80	155,699	867	0.96%
34683CJU1	5/5/2016	Texas Subdivision	Ft Bend Co TX MUD #133	2.00%	9/1/2019	A3	100,000	102.76	102,762	102,016	101.38	101,380	884	1.15%
8827235D7	12/7/2016	Texas Subdivision	TXBL Ref TX Pub Fin Auth Military	4.00%	10/1/2019	AAA	250,000	106.48	266,205	264,392	105.60	264,007	914	1.64%
3134GA2P8	3/2/2017	Agency Callable	Freddie Mac	1.55%	11/27/2019	AA+	1,200,000	99.99	1,199,880	1,199,883	99.91	1,198,962	971	1.55%
414229FG8	5/5/2016	Texas Subdivision	Harris Co TX MUD #500	4.00%	12/1/2019	AA	315,000	107.76	339,435	333,393	104.74	329,944	975	1.75%
414935LK0	5/3/2016	Texas Subdivision	Harris Co MUD #120	2.00%	8/1/2020	AA	395,000	102.09	403,252	401,534	100.34	396,355	1,219	1.49%
41456PHW0	8/11/2016	Texas Subdivision	Harris-Montgomery TX MUD # 386	2.00%	9/1/2020	Aa3	350,000	103.16	361,050	359,519	100.14	350,501	1,250	1.20%
038395EP0	9/6/2016	Texas Subdivision	Aquilla TX Water SUD Series A	3.25%	9/1/2020	A	200,000	107.96	215,910	213,637	105.15	210,308	1,250	1.20%
038395FD6	9/6/2016	Texas Subdivision	Aquilla TX Water SUD Series B	3.25%	9/1/2020	A	160,000	106.95	171,114	169,526	103.20	165,118	1,250	1.45%
Total							\$ 17,117,608	\$	17,377,172	\$ 17,272,053	\$	17,237,829		

CUSIP	Settle Date	Security Description	Maturity Date	Market Value 12/31/2016	Change in Market Value	Market Value 3/31/2017
Tex-Pool		TexPool		\$ 411,811	\$ 445	\$ 412,256
TexStar		TexSTAR		638,612	901,872	1,540,484
CD 4176805564	03/25/2017	Landmark Bank	03/25/2017	1,005,973	(1,005,973)	-
CD 4176805655	04/08/2016	Landmark Bank	10/08/2017	1,003,638	1,871	1,005,509
CD 4176806562	02/22/2017	Landmark Bank	08/22/2018	-	1,000,000	1,000,000
CD 4176806687	03/27/2017	Landmark Bank	03/27/2018	-	1,000,000	1,000,000
129703ER1	02/15/2017	Calhoun Co TX ISD	02/15/2017	501,235	(501,235)	-
313379VE6	02/20/2015	FHLB	06/19/2017	1,001,136	(715)	1,000,421
887127TM0	02/24/2015	Timberline TX UD	08/01/2017	477,024	(594)	476,430
97000PHG8	04/19/2016	William Co TX MUD #10	08/01/2017	105,525	(165)	105,360
3130AOWJ5	03/06/2014	FHLB	08/07/2017	1,001,340	(959)	1,000,381
3468PAW6	03/17/2016	Ft Bend Co TX MUD #137	09/01/2017	303,501	(1,119)	302,382
31315PZ28	03/17/2016	Farmer Mac	12/22/2017	1,002,230	(809)	1,001,421
67381PKE1	12/17/2014	Oakmont TX PUD	03/01/2018	225,623	493	226,116
23242NBO	02/24/2016	CY-Champ TX PUD	03/01/2018	226,654	274	226,928
667489FV5	02/24/2015	NW Harris Co TX MUD #6	04/01/2018	211,634	325	211,959
643161HB1	05/21/2015	New Caney TX MUD	04/01/2018	270,608	712	271,320
414911JL2	02/25/2015	Harris Co TX MUD #119	05/01/2018	136,104	239	136,343
313379DT3	02/29/2016	FHLB	06/08/2018	1,002,276	(1,376)	1,000,900
41421GFW4	02/27/2015	Harris Co TX MUD # 468	09/01/2018	747,400	1,783	749,183
8260YFZ1	06/19/2015	Sienna Plantation MUD	09/01/2018	231,546	664	232,210
34680CDA4	06/23/2015	Ft Bend Co TX MUD #128	09/01/2018	651,716	2,269	653,985
955496GC2	08/06/2015	W Ranch TX Mgmt Dist	09/01/2018	340,218	(980)	339,238
41421DRU2	03/24/2016	Harris Co TX MUD #419	09/01/2018	143,513	(91)	143,422
31331KB74	09/30/2015	FFCB	03/29/2019	505,449	(7)	505,442
88213ACFO	07/23/2015	TX St A&M Sys Brd	05/15/2019	525,610	(1,745)	523,865
207435MH8	06/01/2016	Conally TX Consol ISD	08/15/2019	154,679	1,020	155,699
34683CJU1	05/05/2016	Ft Bend CO TX MUD #133	09/01/2019	100,447	933	101,380
8827235D7	12/07/2016	TXBL Ref TX Pub Fin Auth Military	10/01/2019	264,933	(926)	264,007
3134GA2P8	03/02/2017	Freddie Mac	11/27/2019	-	1,198,962	1,198,962
414229FG8	05/05/2016	Harris Co TX MUD #500	12/19/2019	331,415	(1,471)	329,944
414935LK0	05/03/2016	Harris Co TX MUD #120	08/01/2020	391,093	5,262	396,355
4146PHWO	09/06/2016	Harris-Montgomery TX MUD #386	09/01/2020	346,623	3,878	350,501
038395EPO	09/06/2016	Aquilla TX Water SUD Series A	09/01/2020	208,194	2,114	210,308
038395FD6	09/06/2016	Aquilla TX Water SUD Series B	09/01/2020	165,923	(805)	165,118
Total				\$ 14,633,683	\$ 2,604,146	\$ 17,237,829

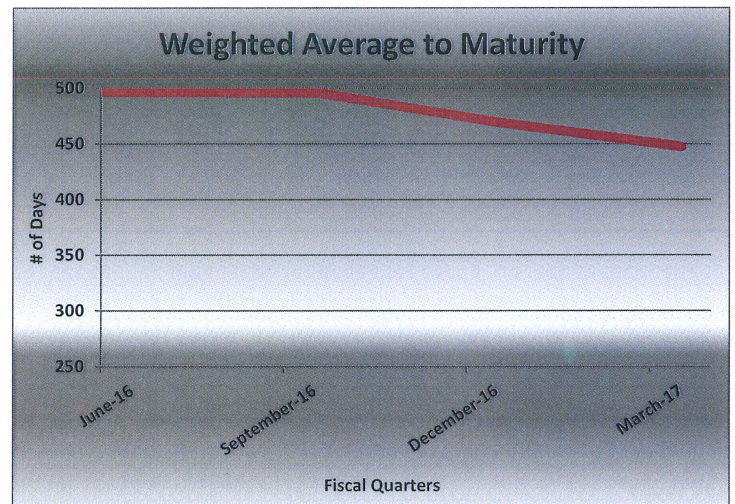
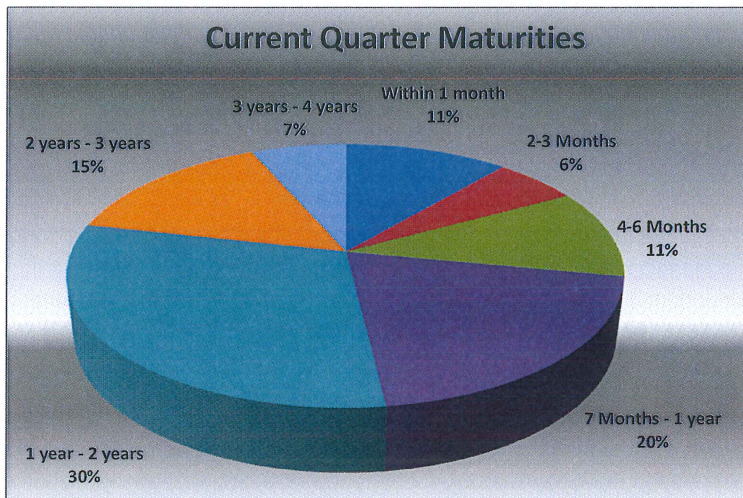
Trade Date	Settle Date	CUSIP	Security Description	Coupon	Maturity Date	Call Date	Par Value	Principal Amount	Interest		YTM
									Purchased/Received	Total Amount	
<u>Maturities</u>											
	02/15/2017	129703ER1	Calhoun Cnty TX ISD	3.00%	02/15/2017		\$ 500,000	\$ 500,000	\$ 7,500	\$ 507,500	0.57%
	03/24/2017	CD 4176805564	Landmark Bank	0.80%	03/25/2017		1,000,000	1,000,000	2,050	1,002,050	0.80%
<u>Purchases</u>											
	01/11/2017	TexStar	LGIP	0.57%			900,000	900,000	-	900,000	0.57%
	02/22/2017	CD 4176806562	Landmark Bank	1.15%	8/22/2018		1,000,000	1,000,000	-	1,000,000	1.15%
	03/01/2017	3134GA2P8	Freddie Mac	1.55%	11/27/2019		1,200,000	1,199,880	52	1,199,932	1.55%
	03/27/2017	CD 4176806687	Landmark Bank	1.15%	03/27/2018		1,000,000	1,000,000	-	1,000,000	1.13%
<u>Income Payments</u>											
	03/31/2017	TexPool	LGIP	0.57%			412,223		583	583	0.57%
	03/31/2017	TexStar	LGIP	0.57%			1,540,385		2,053	2,053	0.57%
	01/13/2017	CD 4176805655	Landmark Bank	0.74%	10/08/2017		1,000,000		1,872	1,872	0.74%
	02/01/2017	414935LK0	Harris CO MUD	2.00%	08/01/2020		395,000		3,950	3,950	1.49%
	02/01/2017	97000PHG8	William Cnty TX MUD 310	2.00%	08/01/2017		105,000		1,050	1,050	0.90%
	02/01/2017	887127TMO	Timberline TX Util Dist	2.00%	08/01/2017		475,000		4,750	4,750	0.90%
	02/07/2017	3130AOWJ5	FHLB	1.02%	08/07/2017		1,000,000		5,100	5,100	0.94%
	02/15/2017	207435MH8	Conally TX Consol ISD	3.00%	08/15/2019		150,000		2,250	2,250	0.96%
	03/01/2017	3468PAW6	Ft. Bend Cnty TX MUD # 137	3.00%	09/01/2017		300,000		4,500	4,500	0.96%
	03/01/2017	67381PKE1	Oakmont PUB Util Dist	2.00%	03/01/2018		225,000		2,250	2,250	1.33%
	03/01/2017	232425NBO	CYCUTL	2.00%	03/01/2018		225,000		2,250	2,250	0.90%
	03/01/2017	41421GFW4	Harris Cnty MUD #468	2.00%	09/01/2018		740,000		7,400	7,400	1.28%
	03/01/2017	41421DRU2	Harris Cnty TX MUD	3.00%	09/01/2018		140,000		2,100	2,100	1.15%
	03/01/2017	34680CDA4	Ft. Bend Cnty TX MUD # 128	2.00%	09/01/2018		650,000		6,500	6,500	1.35%
	03/01/2017	954496GC2	W Ranch TX Mgmt Dist TX BL	1.65%	09/01/2018		340,000		2,805	2,805	1.45%
	03/01/2017	82620YFZ1	Sienna Plantation TX MUD	2.00%	09/01/2018		230,000		2,300	2,300	1.73%
	03/01/2017	34683CJU1	Ft. Bend Cnty TX MUD#133	2.00%	09/01/2019		100,000		1,000	1,000	1.15%
	03/01/2017	41456PHW0	Harris Cnty TX MUD #386	2.00%	09/01/2020		350,000		4,053	4,053	1.20%
	03/01/2017	038395EP0	Aquila TX Water SUD Series A	3.25%	09/01/2020		200,000		3,160	3,160	1.20%
	03/01/2017	038395FD6	Aquila TX Water SUD Series B	3.25%	09/01/2020		160,000		2,528	2,528	1.45%
	03/29/2017	31331KB74	FFCB	1.87%	03/29/2019		500,000		4,688	4,688	1.12%
Total									\$ 76,742		

Cash/Investment Type	Balance 6/30/2016	Balance 9/30/2016	Balance 12/31/2016	Balance 3/31/2017	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	\$1,947,148	\$1,448,574	\$1,049,973	\$ 1,952,609	11.31%	50.00%
Certificates of Deposit	5,009,116	4,015,290	2,009,611	3,005,509	17.40%	50.00%
US Agency	5,523,693	5,187,142	4,517,238	5,713,963	33.08%	50.00%
Texas Subdivisions	6,924,535	6,968,336	7,119,379	6,599,973	38.21%	50.00%
Total	\$ 19,404,492	\$ 17,619,342	\$ 14,696,201	\$ 17,272,053	100.00%	



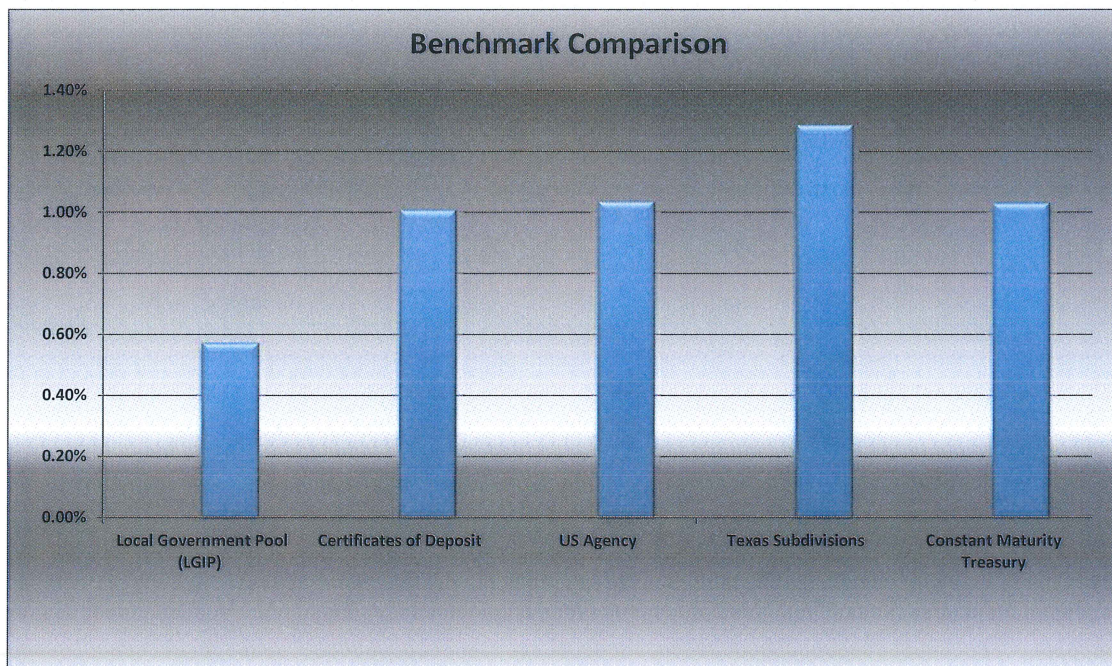
Maturity Time Frame	Balance 6/30/2016	Balance 9/30/2016	Balance 12/31/2016	Balance 3/31/2017	Percent of Portfolio
Within 1 month	\$ 1,947,148	\$ 3,049,317	\$ 1,049,973	\$ 1,952,609	11.31%
2-3 Months	1,685,891	503,755	1,507,519	1,000,374	5.79%
4-6 Months	2,102,492	1,508,543	1,000,794	1,884,986	10.91%
7 Months - 1 year	2,511,201	2,892,694	3,895,512	3,461,764	20.04%
1 year - 2 years	5,985,543	6,214,048	4,201,392	5,248,828	30.39%
2 years - 3 years	3,168,671	1,297,567	1,893,944	2,579,277	14.93%
3 years - 4 years	1,600,554	2,153,418	1,147,067	1,144,216	6.62%
4 years - 5 years	402,992	-	-	-	0.00%
	\$ 19,404,492	\$ 17,619,342	\$ 14,696,201	\$ 17,272,053	100.00%

Liquidity Indicator					Maximum Allowable
Weighted Average Maturity	496.46	496.17	469.52	447.31	500.00



Date Received/ Purchased	CUSIP	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
3/31/2017	Tex-Pool	TexPool		0.57%	583	-	583
3/31/2017	TexStar	TexSTAR		0.57%	2,053	-	2,053
1/13/2017	CD 4176805655	Landmark Bank	0.74%	0.74%	1,872	127	1,999
3/24/2017	CD 4176805564	Landmark Bank	0.80%	0.80%	2,050	-	1,835
3/31/2017	CD 4176806562	Landmark Bank	1.15%	1.15%	-	1,165	1,165
3/31/2017	CD 4176806687	Landmark Bank	1.13%	1.15%	-	-	-
2/1/2017	887127TM0	Timberline TX UD	2.00%	0.90%	4,750	(3,685)	1,065
2/1/2017	97000PHG8	William Co TX MUD #10	2.00%	0.90%	1,050	(804)	246
2/1/2017	414935LKO	Harris Co TX MUD #120	2.00%	1.49%	3,950	(2,498)	1,452
2/7/2017	3130A0WJ5	FHLB	1.02%	0.95%	5,100	(2,467)	2,633
2/15/2017	207435MH8	Conally TX Consol ISD	3.00%	0.96%	2,250	(1,866)	384
2/15/2017	129703ER1	Calhoun Co TX ISD	1.88%	0.52%	7,500	(7,171)	329
3/1/2017	3134GA2P8	Freddie Mac	1.55%	1.55%	52	(52)	-
3/1/2017	038395EP0	Aquilla TX Water SUD Series A	3.25%	1.20%	3,160	(2,522)	638
3/1/2017	038395FD6	Aquilla TX Water SUD Series B	3.25%	1.45%	2,528	(1,916)	612
3/1/2017	34683CJU1	Ft Bend Co TX MUD # 133	2.00%	1.15%	1,000	(702)	298
3/1/2017	82620YFZ1	Sienna Plantation TX MUD	2.00%	1.73%	2,300	(1,345)	955
3/1/2017	41421GFW4	Harris Co Tx MUD #468	2.00%	1.28%	7,400	(4,940)	2,460
3/1/2017	67381PKE1	Oakmont PUD	2.00%	1.33%	2,250	(1,499)	751
3/1/2017	3468CDA4	Ft. Bend Co TX MUD #128	2.00%	1.35%	6,500	(4,264)	2,236
3/1/2017	954496GC2	W Ranch TX Mgmt Dist	1.65%	1.45%	2,805	(1,977)	828
3/1/2017	3468PAW6	Ft Bend Co TX MUD # 137	3.00%	0.96%	4,500	(3,740)	760
3/1/2017	41421DRU2	Harris Co TX MUD #419	3.00%	1.15%	2,100	(1,677)	423
3/1/2017	232425NBO	CY-Champ TX PUD	2.00%	0.90%	2,250	(1,716)	534
3/1/2017	41456PHW0	Harris Cnty TX MUD#386	2.00%	1.20%	4,053	(2,967)	1,086
3/29/2017	31331KB74	FFCB	1.88%	1.12%	4,688	(3,205)	1,483
3/31/2017	414911JL2	Harris Co TX MUD #119	2.00%	1.10%	-	381	381
3/31/2017	88213ACF0	TX St A&M Sys Brd	4.00%	1.80%	-	2,392	2,392
3/31/2017	414229FG8	Harris Co TX MUD #500	4.00%	1.75%	-	1,465	1,465
3/31/2017	313379DT3	FHLB	1.25%	0.94%	-	2,359	2,359
3/31/2017	313379VE6	FHLB	1.01%	0.84%	-	2,070	2,070
3/31/2017	31315PZ28	Farmer Mac	1.20%	0.82%	-	2,067	2,067
3/31/2017	8827235D7	TXBL Ref TX Pub Fin Auth Milit	4.00%	1.64%	-	1,066	1,066
3/31/2017	643161HB1	New Caney TX MUD	2.00%	1.51%	-	1,033	1,033
3/31/2017	667489FV5	NW Harris Co TX MUD #6	2.00%	1.10%	-	593	593

\$ 76,743 \$ (37,921) \$ 38,607



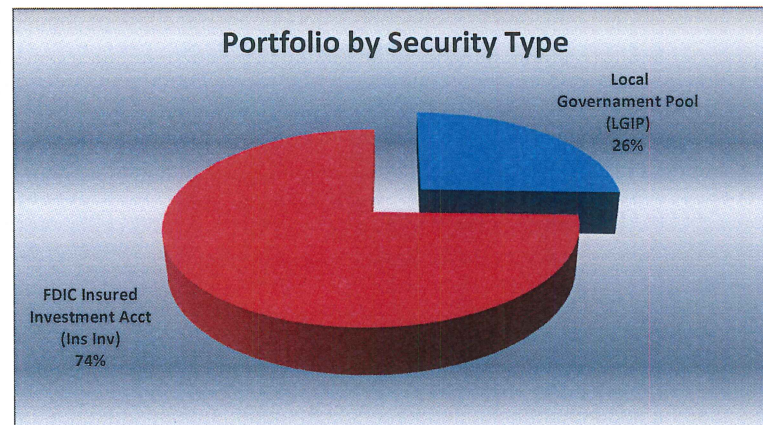
CITY OF SHERMAN, TEXAS
DEBT PROCEEDS PORTFOLIO SUMMARY
For the Quarter Ending March 31, 2017

Total Portfolio Summary			
	Current Quarter 3/31/17	Prior Quarter 12/31/16	Change From Prior Qtr
Book Value	\$ 25,238,968	\$ 8,069,370	\$ 17,169,598
Market Value	\$ 25,239,483	\$ 8,072,662	\$ 17,166,821
Weighted Average Maturity - Days	1	1	-
Weighted Average Yield	0.57%	0.41%	0.16%
Earned Income	\$ 13,300	\$ 8,776	\$ 4,524
Earned Income - Year-to-Date	\$ 22,076	\$ 8,776	\$ 13,300

This report complies with the requirements of the public funds investment law and covers all the funds of the City of Sherman that are subject to that law.

As of March 31, 2017, the City of Sherman's debt proceeds portfolio had a book value of about \$25.2 million, which approximates the market value. During the current quarter, approximately \$18.8 million in certificates of obligation were issued, interest income of \$13 thousand was added and approximately \$1.64 million was drawn down for project payments.

The weighted average yield on the portfolio was 0.57%, 17 basis points below the 4-week Constant Maturity Treasury Index of 0.74% and 16 basis points above the previous quarter.



Mary Lawrence

Mary Lawrence, Finance Director and City of Sherman Investment Officer

Tammy Davis

Tammy Davis, Controller and City of Sherman Investment Officer



CITY OF SHERMAN, TX
Investments Outstanding
AS of 3/31/2017

Name	Settlement Date	Security Type	Security Description	Credit Rating	Par Value	Purchase Price	Original Cost	Book Value	Market Price	Market Value	Days to Mty	YTM
TexPool Tax Notes		LGIP	Texpool	AAAm	\$ 1,297,908	100.00	\$ 1,630,668	\$ 1,297,908	100.01	\$ 1,298,012	1	0.57%
TexPool Cert of Obligation		LGIP	Texpool	AAAm	\$ 5,139,139	100.00	\$ 6,438,702	\$ 5,139,139	100.01	5,139,550	1	0.57%
Anova		Ins Inv	Anova		\$ 18,801,097	100.00	\$ 18,801,097	\$ 18,801,921	100.00	18,801,921	1	0.80%
Total					\$ 25,238,144		\$ 26,870,467	\$ 25,238,968		\$ 25,239,483		



CITY OF SHERMAN, TX
Market Value Summary
AS of 3/31/2017

CUSIP	Security Description	Maturity Date	Market Value 12/31/16	Change in Market Value	Market Value 3/31/2017
TexPool Tax Notes	TexPool		\$ 1,631,320	\$ (333,308)	\$ 1,298,012
TexPool Cert of Obligation	TexPool		6,441,342	(1,301,792)	5,139,550
Anova	Insured Invest		-	18,801,921	18,801,921
Total			\$ 8,072,662	\$ 17,166,821	\$ 25,239,483

Trade Date	Settle Date	Name	Security Description	Coupon	Maturity Date	Par Value	Price	Principal Amount	Interest Purchased / Received	Total Amount	YTM
<u>Project Payments</u>											
	3/29/2017	TexPool Tax & Rev CO	LGIP	0.622%		\$1,309,751	\$	1,309,751	-	\$ 1,309,751	0.622%
	3/29/2017	TexPool Tax Notes	LGIP	0.622%		335,049		335,049	-	335,049	0.622%
<u>Debt Proceeds</u>											
	3/30/2017	2017 CO-Anova	Ins Inv	0.800%		18,801,097		18,801,097	-	18,801,097	0.800%
<u>Income Payments</u>											
	1/31/2017	TexPool Tax Notes	LGIP	0.539%		1,629,278		1,629,278	746	746	0.539%
	1/31/2017	TexPool Tax & Rev CO	LGIP	0.539%		6,907,776		6,907,776	2,944	2,944	0.539%
	1/31/2017	TexPool Tax & Rev CO	LGIP	0.539%		7,040,448		7,040,448	1,146	1,146	0.457%
	2/28/2017	TexPool Tax Notes	LGIP	0.559%		1,629,811		1,629,811	700	700	0.559%
	2/28/2017	TexPool Tax & Rev CO	LGIP	0.559%		6,910,039		6,910,039	2,763	2,763	0.559%
	3/31/2017	TexPool Tax Notes	LGIP	0.622%		1,630,444		1,630,444	845	845	0.622%
	3/31/2017	TexPool Tax & Rev CO	LGIP	0.622%		6,439,080		6,439,080	3,333	3,333	0.622%
	3/31/2017	2017 CO-Anova	Ins Inv	0.800%		18,801,097		18,801,097	824	824	0.800%
Total								\$	13,301		



CITY OF SHERMAN, TX
Comparison by Type
AS of 3/31/2017

Cash / Investment Type	Balance 6/30/2016	Balance 9/30/2016	Balance 12/31/2016	Balance 3/31/2017	Percent of Portfolio	Portfolio Cap
Local Government Pool (LGIP)	\$ 1,809,415	\$ 8,534,279	\$ 8,069,370	\$ 6,437,047	25.50%	100.00%
FDIC Insured Investment (Ins Inv)	-	-	-	18,801,921	74.50%	100.00%
Total	\$ 1,809,415	\$ 8,534,279	\$ 8,069,370	\$ 25,238,968	100.00%	



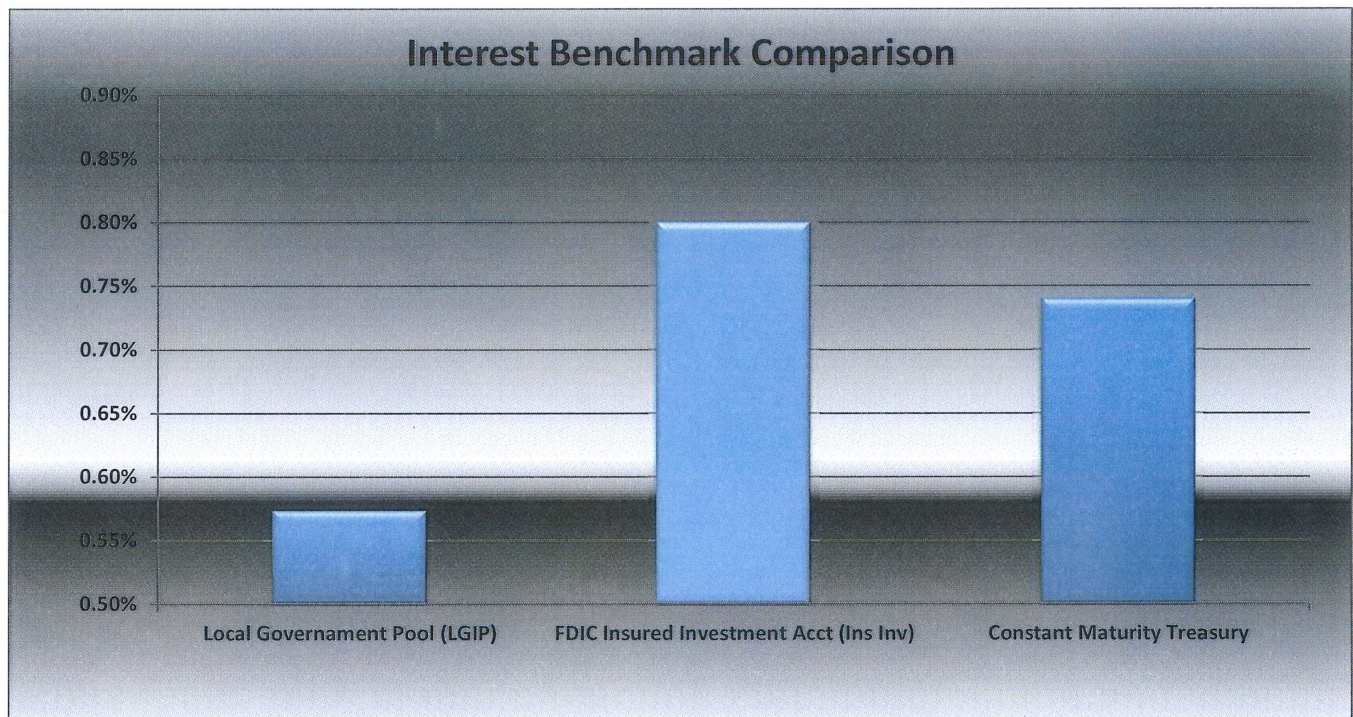
CITY OF SHERMAN, TX
Portfolio by Maturity
AS of 12/31/2016

Maturity Time Frame	Balance 6/30/2016	Balance 9/30/2016	Balance 12/31/2016	Balance 3/31/2017	Percent of Portfolio	Minimum Allowable
Within 1 month	\$ 1,809,415	\$ 8,543,279	\$ 8,069,370	\$ 25,238,968	100.00%	100.00%
	\$ 1,809,415	\$ 8,543,279	\$ 8,069,370	\$ 25,238,968		

Liquidity Indicator

Weighted Average Maturity	1.00	1.00	1.00	1.00
---------------------------	------	------	------	------

Date Received/ Purchased	Name	Security Description	Coupon	YTM	Interest Purchased/ Received	Accrued Interest/ Amortization	Income Earned
1/31/2017	TexPool Tax Notes	LGIP		0.539%	\$ 746	\$ -	\$ 746
1/31/2017	TexPool Tax & Rev CO	LGIP		0.539%	2,944	-	2,944
1/31/2017	TexPoll Tax & Rev CO	LGIP		0.539%	1,146	-	2,944
2/28/2017	TexPool Tax Notes	LGIP		0.559%	700	-	700
2/28/2017	TexPool Tax & Rev CO	LGIP		0.559%	2,763	-	2,763
3/31/2017	TexPool Tax Notes	LGIP		0.622%	844	-	844
3/31/2017	TexPool Tax & Rev CO	LGIP		0.622%	3,333	-	3,333
3/31/2017	2017 CO-Anova	Insured Investment		0.800%	824	-	824
					\$ 13,300	\$ -	\$ 13,300





SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

E.4.

Meeting Date: 04/17/2017

Prepared By: Scott Shadden, Director of Developmental Services

Approved By: Robby Hefton, City Manager

Caption:

*** OTHER BUSINESS**

Replat Approval of Tract 3, West Canyon Creek Estates, Section 3, being 24.611 acres in the James B. Vaden Survey, Abstract No. 122 and also being all of Tract 3, West Canyon Creek Estates, Section 3; West Canyon Creek Estates, LTD and Lynn Vessels, Owners; and Underwood Drafting and Surveying, Surveyor (4100-4200 blocks of West Lamberth Road)

Issue:

To consider Replat approval of Tract 3, West Canyon Creek Estates, Section 3, being 24.611 acres in the James B. Vaden Survey, Abstract No. 122 and also being all of Tract 3, West Canyon Creek Estates, Section 3, located in the 4100-4200 blocks of West Lamberth Road

Background:

The property is located in the 4100-4200 blocks of West Lamberth Road, a part of the former County Farm property. The property is zoned an R-1 (One Family Residential) District. The owners would like to replat the property into three lots.

Origination:

West Canyon Creek Estates, LTD and Lynn Vessels (Owners)
Underwood Drafting and Surveying (Surveyor)

Financial Consideration:

None

Staff Recommendation:

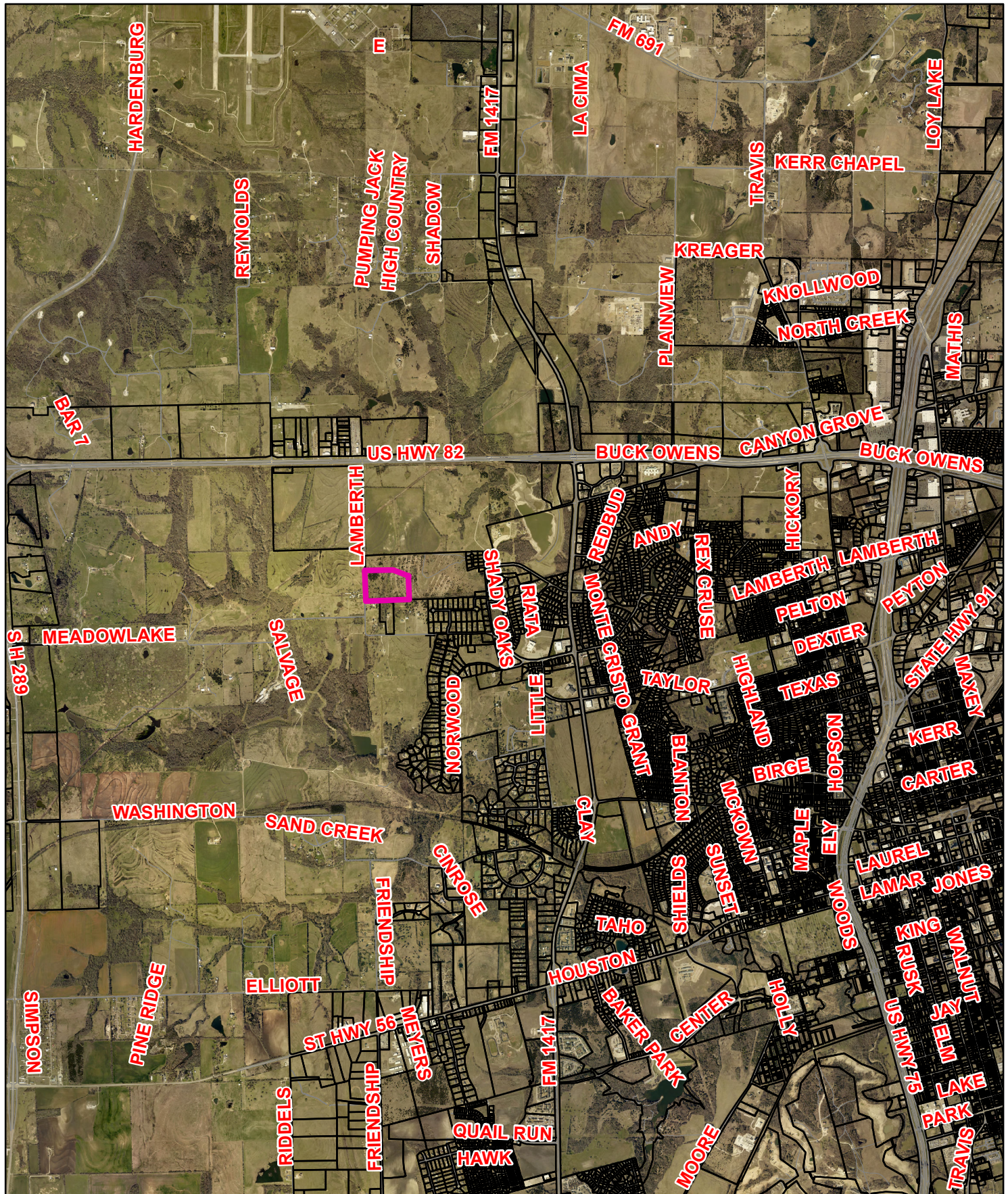
At the March 21, 2017 regular meeting, the Planning & Zoning Board voted unanimously to recommend to the City Council that the Replat be approved subject to the Staff Review Letter.

Alternatives:

None

Attachments

Location Map
Zoning Map
Zoning Sign Photo
Replat
Staff Review Letter
P&Z Communication



4100-4200 Blocks W. Lamberth Road

Replat Tract 3, West Canyon Creek Estates, Section 3

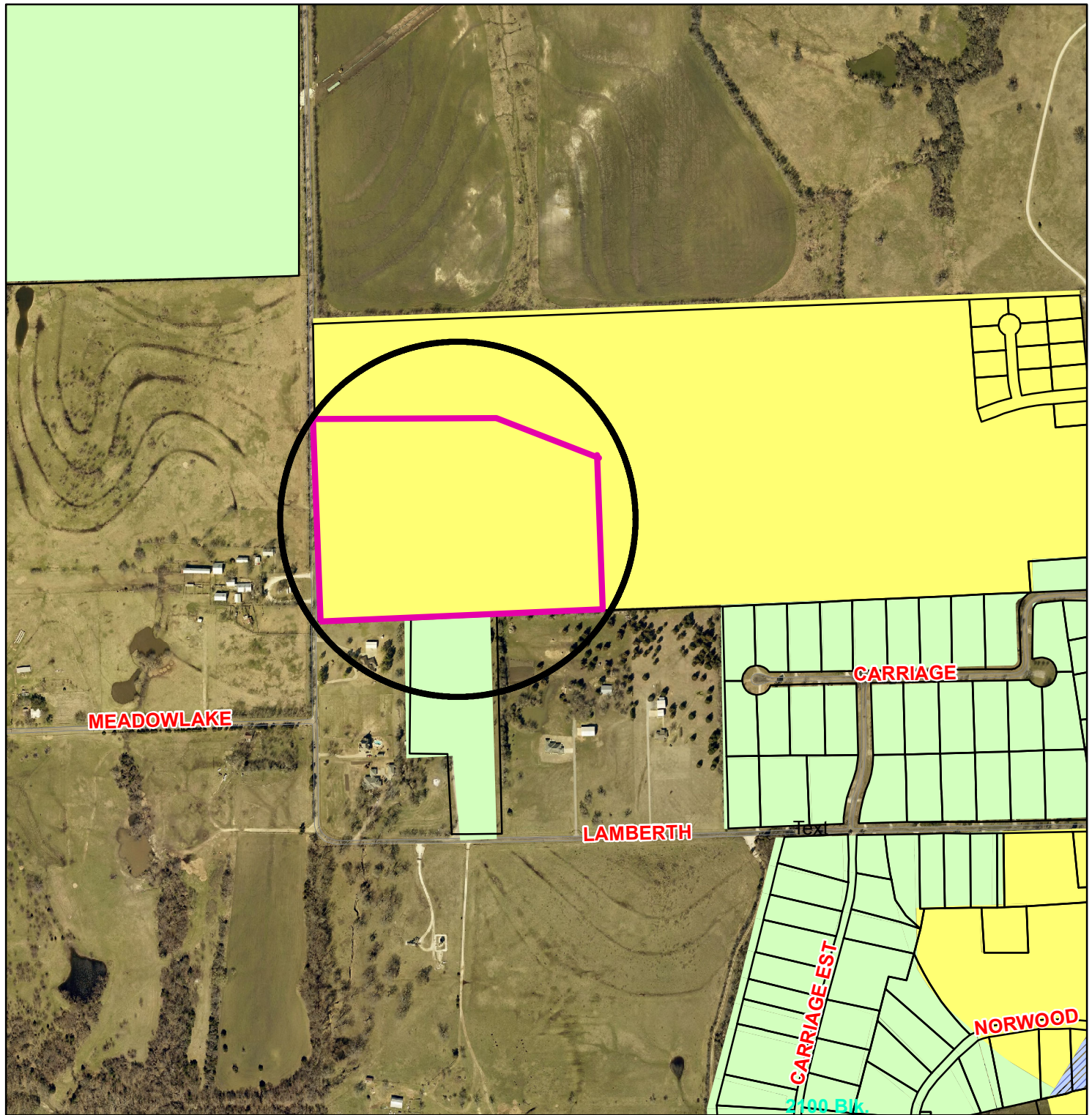


NOT TO SCALE

1 in = 3,873 ft

Sherman
CLASSIC TOWN. BROAD HORIZON.

City of Sherman, Texas
Developmental Services Department



Zoning - 3500-3800 Blks. W. Lamberth Replat Tract 3, West Canyon Creek Estates, Section 3

Legend

Special Districts Overlay

- Arts and Cultural District
- Blalock Commercial Overlay District
- Central Business District
- College Park District
- Downtown Overlay District
- Historic Preservation District

Zoning Districts

- Unknown
- BIP Blalock Industrial Park
- C-1 Retail Business District
- C-2 General Commercial District
- CO Office District
- Lakes
- M-1 Light Manufacturing District
- M-1.5 Medium Manufacturing District
- M-2 Heavy Manufacturing District
- MH Manufacturing Housing District
- R-1 One Family Residential District
- R-2 Multi-Family Residential District
- R-A Single Family Agricultural District
- SF-1 Single Family Residential District



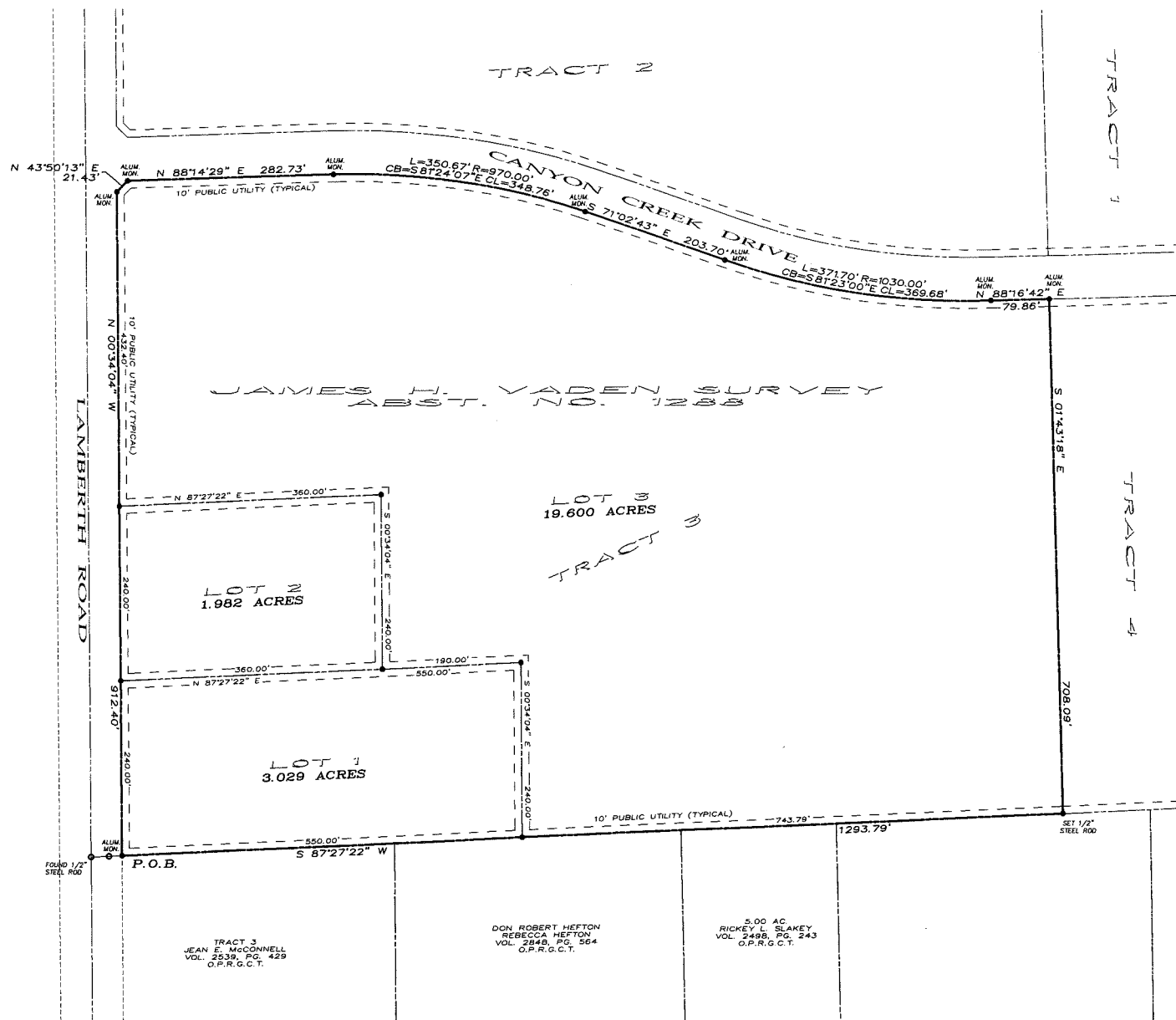
City of Sherman, Texas
Developmental Services Department



1 in = 646 ft

4100-4200 Blocks W. Lamberth





~ BASIS OF BEARINGS ~
GRID NORTH, NAD 83
TEXAS STATE PLANE COORDINATE SYSTEM
NORTH CENTRAL ZONE

REPLAT
TRACT 3
WEST CANYON CREEK ESTATES
SECTION 3
BEING 24.611 ACRES IN THE
JAMES B. VADEN SURVEY, ABSTRACT NO. 1288
AN ADDITION TO THE CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

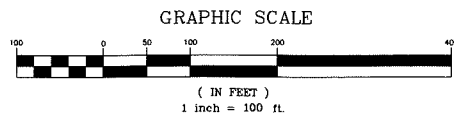
2-15-17

OWNERS/DEVELOPER
WEST CANYON CREEK ESTATES LTD
1951 FORT WORTH HIGHWAY
SUITE 105
WEATHERFORD, TEXAS 76086

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING



LEGAL DESCRIPTION

Situated in the City of Sherman, County of Grayson, State of Texas, being a part of the James H. Vaden Survey, Abstract No. 1288, and being all of Tract 3, West Canyon Creek Estates, Section 3, an addition to the City of Sherman as shown by plat of record in Volume 23, Page 172, Plat Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a

In the east line of Lambert Road said road maintaining the southwest corner of said Tract 3;

Thence North 00°34'04" West, along the east right-of-way line of Lambert Road, a distance of 912.40 feet to a point;

Thence easterly along the south line of Canyon Creek Drive and the north line of said Tract 3 the following calls and distances:

North 43°50'13" East a distance of 21.43 feet to a point;

North 88°14'29" East a distance of 282.73 feet to a point;

With a tangent curve to the right having a radius of 970.00 feet, (chord bears South 81°24'07" East, a distance of 348.76 feet) an arc length of 350.67 feet;

South 71°02'43" East a distance of 203.70 feet to a point;

With a tangent curve to the left having a radius of 1030.00 feet, (chord bears South 81°23'00" East, a distance of 369.68 feet) an arc length of 371.70 feet;

North 88°16'42" East a distance of 79.86 feet to a point;

Thence South 01°43'18" East, along the east line of said Tract 3, a distance of 708.09 feet to a point;

Thence South 87°27'22" West, along the south line of said Tract 3, a distance of 1293.79 feet to the Point-of-Beginning and containing 24.611 acres of land.

KNOWN ALL MEN BY THESE PRESENTS:

That I, Douglas W. Underwood, Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments thereon where properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Sherman, Texas.

Douglas W. Underwood
Registered Professional
Land Surveyor, No. 4709

Date

~ GENERAL NOTES ~

1. Water Supply to be provided by the City of Sherman.
2. Sewer Service to be provided by the City of Sherman.
3. Electrical service is provided by Oncor Electrical Delivery.
4. Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
5. Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
6. The City of Sherman will not be responsible for the maintenance and operation of said drainage ways or drainage easements for the control of erosion.
7. Neither the City of Sherman nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
8. The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
9. Bearings are based on the City of Sherman Control Monument Network.
10. The City of Sherman reserves the right to require submission of Development Plat based on proposed use of each lot.
11. The subject property lies within the limits of an area defined as Zone "X" determined to be outside a flood hazard area, according to the Federal Emergency Management Agency Flood Insurance Rate Map for Grayson County, Texas and incorporated areas, Map No. 48181C0270 F, revised 8/28/2010.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

THAT WE, WEST CANYON CREEK ESTATES, LTD, do hereby adopt this plat designating the hereinabove property as the REPLAT OF TRACT 3, WEST CANYON CREEK ESTATES, SECTION 3, an addition to the City of Sherman, and do hereby dedicate to the public use forever the streets and easements shown on this plat for the mutual use and accommodation of all public and private utilities desiring to use or using same. Any public or private utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in anyway endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements strips and any public or private utility shall, at all times, have a right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the permission of anyone. This plat approved subject to all ordinances, rules regulations and resolutions of the City of Sherman, Texas.

WITNESS MY HAND this _____ day of _____, 2017.

J.M. SZABUNIEWICZ, President

STATE OF TEXAS
COUNTY OF GRAYSON

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared J. M. SZABUNIEWICZ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017.

Notary Public in and for
the State of Texas
Commission Expires: _____

Approved this _____ day of _____, 2017, by the
City Planning Commission to the City of Sherman, Texas.

Chairman

Secretary

Accepted by the City Council of the City of Sherman

Mayor, City of Sherman, Texas

Date

The Undersigned, the City Clerk of the City of Sherman, hereby certifies that the foregoing, REPLAT OF TRACT 3, WEST CANYON CREEK ESTATES, SECTION 3, an addition to the City of Sherman, Texas, was submitted to the City Council on the _____ day of _____, 2017, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this _____ day of _____, 2017.

Clerk, City of Sherman, Texas

REPLAT
TRACT 3
WEST CANYON CREEK ESTATES
SECTION 3
BEING 24.611 ACRES IN THE
JAMES B. VADEN SURVEY, ABSTRACT NO. 1288
AN ADDITION TO THE CITY OF SHERMAN
GRAYSON COUNTY, TEXAS

2-15-17

OWNERS/DEVELOPER
WEST CANYON CREEK ESTATES LTD
1951 FORT WORTH HIGHWAY
SUITE 105
WEATHERFORD, TEXAS 76086

SURVEYOR
DOUGLAS W. UNDERWOOD
R.P.L.S. NO. 4709
3404 INTERURBAN ROAD
DENISON, TEXAS



DRAFTING & SURVEYING

STAFF REVIEW LETTER

March 13, 2017

West Canyon Creek Estates, Ltd.
1951 Fort Worth Highway, Suite 105
Weatherford, Texas 76086

Underwood Drafting & Surveying
3404 Interurban Road
Denison, TX 75021

Dear Applicants,

The request for approval of the Replat of Tract 3, West Canyon Creek Estates, Section 3 has been scheduled to be heard by the Planning and Zoning Board on the day of Tuesday, March 21, 2017 at 5:00 p.m., in the City Council Chambers, City Hall at 220 W. Mulberry.

City staff has reviewed your request with regards to engineering and development guidelines and finds the following items need to be addressed:

1. Require Amending Final Plat of West Canyon Creek Estates, Section 3 be filed of record prior to recording of Replat Tract 3, West Canyon Creek Estates, Section 3.
2. Letters from various utility providers are required verifying availability of service and when service will be available.
3. Original tax certificated shall be furnished for the purpose of recording the plat.
4. Drive approaches and sidewalks must conform to City of Sherman standards and a permit is required from City of Sherman Engineering Department.
5. The width of the right-of-way and pavement for streets shall be shown on plat.
6. Complete metes and bounds description in "Beginning" paragraph.
7. Show ownership block on Tract 3.
8. Show proposed Drainage Easement on plat.
9. Maintain natural drainage patterns across all lots.
10. Any other changes made to the plat prior to the final fulfillment of the conditions of the staff review, must be considered minor by staff, as to not require resubmission to the Planning & Zoning Commission.
11. 2 Mylars must be submitted in 24"x36" size for recording. 1 mylar must be split to be 2-12"x18" pages per Grayson County requirements. 1 page must have the legal description and the other page must have the image. Both mylars must look the same with the exception of the split line down the middle. Both split pages must include the Subdivision Name block. Submit digital image to the Engineering department for approval prior to printing mylars.

The Board will not consider a request unless it has representation. You are hereby notified to be present, either in person or by a legally authorized representative to present your case on the date and time stated above.

If additional information or clarification is needed, do not hesitate to contact Clint Philpott, at 903-892-7327 prior to the meeting.

Respectfully,


Clint A. Philpott, P.E.,
Director of Engineering

cc: Robby Hefton, City Manager
Brandon Shelby, City Attorney
Danny Fuller, Fire Marshal
Steve Ayers, Dir. Of Community and Support Services

Scott Shadden, Director of Development Services
Mark Gibson, Director of Utilities
Don Keene, Asst. City Manager



**Planning & Zoning Commission and Board of
Adjustments**

Agenda Item No. 9.

Meeting Date: 03/21/2017

Prepared by: Patsy Reeves, Developmental Services Admin Secretary
Scott Shadden, Director of Development Services

Joe Gilbert, Chairman

Kyle Patterson, Vice-Chairman

Sam Thorpe, Commissioner

Eric Elliott, Commissioner

Chris Vellotti, Commissioner

Sean Vanderveer, Commissioner

Shawn Davis, Commissioner

Jeff Adams, Commissioner

Clay Mahone, Commissioner

Requested Action/Proposed Use:

*** 4100-4200 BLOCKS W. LAMBERTH ROAD**

The request of West Canyon Creek Estates, LTD (Owners) Underwood Drafting and Surveying (Surveyor) concerning the property in the 4100-4200 Blocks West Lamberth Road, being 24.611 acres in the James B. Vaden Survey, Abstract No. 122 and also being all of Tract 3, West Canyon Creek Estates, Section 3, as follows;

Planning and Zoning Commission

Replat Tract 3, West Canyon Creek Estates, Section 3

Background:

The property is located in the 4100-4200 Blocks of West Lamberth Road, a part of the former County Farm property. The property is zoned an R-1 (One Family Residential) District. The owner would like to replat the property into three lots.

Adjacent Zoning:

R-1 (One Family Residential) District

R-A (Single Family Agricultural) District

Origination:

West Canyon Creek Estates, LTD (Owners)

Underwood Drafting and Surveying (Surveyor)

Master Plan Designation:

Suburban Residential – Increased density and closer building setbacks separate Suburban Residential from Countryside and Estate, but more landscaping and open space distinguish Suburban Residential from Urban and Auto-Urban categories. New suburban subdivisions typically have curvilinear streets and sidewalks, as well as curb and gutter.

Number of notices mailed:

17

Objections Received:

0

Attachments

Location Map

Zoning Map

Zoning Sign Photo

Replat

Staff Review Letter



SHERMAN CITY COUNCIL

Agenda Communication Form

City Council Regular Meeting

Meeting Date: 04/17/2017

Prepared By: Pamela Cloer, Assistant to the City Manager

Approved By: Robby Hefton, City Manager

Caption:

COUNCIL CALENDAR

Attachments

2017 Council Calendar

2017

JANUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

M A Y						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	31			

SEPTEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

1/2/2017	New Years Day/Called Council Meeting on 1/3/2017 - Cancelled
3/21/2017	Called Joint Meeting with SISD Board of Trustees
4/21/2017	Called Budget Planning Mtg in Council Chambers
5/22/2017	Called Council Meeting for Introduction, PH and Adoption of Annexation Ordinance (459.6 acre tract on Preston Club Drive in ETJ)
6/15-16/2017	Called Budget Workshop in Council Chambers
9/4/2017	Labor Day/Called Council Meeting on 9/5/2017

[illegible]